Agenda
Minnetonka City Council
Regular Meeting, Monday, Oct. 7, 2019
6:30 p.m.
Council Chambers

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Ellingson-Calvert-Schack-Carter-Happe-Bergstedt-Wiersum
4. Approval of Agenda
5. Approval of Minutes:
   A. August 26, 2019 regular council meeting
6. Special Matters:
   A. Recognition of National Award for Fire Recruitment Plan
      Recommendation: Recognize the award
7. Reports from City Manager & Council Members
8. Citizens Wishing to Discuss Matters Not on the Agenda
9. Bids and Purchases: None
10. Consent Agenda - Items Requiring a Majority Vote:
    A. Resolution approving the final plat of CONIFER HEIGHTS at 5616 Mahoney Ave and 5615 Conifer Trail
       Recommendation: Adopt the resolution approving the final plat (4 votes)
    B. Ordinance amending city code 400.300 Subd.6(3) pertaining to lot-behind-lot standards
       Recommendation: Adopt the ordinance (4 votes)
C. Resolution reaffirming the preliminary and final plat of WILLISTON ACRES 3rd ADDITION, a two-lot subdivision at 14819 Margaret Place

Recommendation: Adopt the resolution approving the preliminary and final plats (4 votes)

D. Donation of paper to Hopkins, Minnetonka and Wayzata school districts

Recommendation: Authorize the donation (4 votes)

E. Resolution appointing election judges and absentee ballot board for the Nov. 5, 2019 Municipal General Election

Recommendation: Adopt the resolution (4 votes)

F. Resolution adopting the 2020 meeting schedule for the Minnetonka City Council

Recommendation: Adopt the resolution (4 votes)

11. Consent Agenda - Items Requiring Five Votes: None

12. Introduction of Ordinances: None

13. Public Hearings:

A. Temporary on-sale liquor license for ICA Food Shelf, for use at 14600 Minnetonka Boulevard

Recommendation: Hold the public hearing and grant the license (5 votes)

B. Items related to the Cloud 9 Condominium’s Housing Improvement Area

Recommendation:

1) Adopt a resolution approving an amended housing improvement fee for the Cloud 9 Sky Flats Housing Improvement Area

2) Adopt a resolution approving the second amendment to the development agreement with respect to the Cloud 9 Sky Flats Housing Improvement Area.

3) Adopt a resolution providing for the sale of Housing Improvement Bonds in the amount of $3,055,000 (4 votes)

14. Other Business:

A. Items concerning the Hennepin County Medical Examiner’s Office Project at 14300 Co. Rd. 62

1) Major amendment to an existing master development plan

2) Conditional use permit; and

3) Site and building plan review
Recommendation: Adopt the ordinance and resolution approving the project (4 votes)

15. Appointments and Reappointments: None

16. Adjournment
Minutes
Minnetonka City Council
Monday, Aug. 26, 2019

1. Call to Order

Mayor Brad Wiersum called the meeting to order at 6:31 p.m.

2. Pledge of Allegiance

All joined in the Pledge of Allegiance.

3. Roll Call

Council Members Mike Happe, Tim Bergstedt, Bob Ellingson, Deb Calvert, Rebecca Schack, Susan Carter and Brad Wiersum were present.

4. Approval of Agenda

Schack moved, Calvert seconded a motion to accept the agenda with addenda to Items 10A, 10D, 14A, and 14B. All voted “yes.” Motion carried.

5. Approval of Minutes:

A. July 22, 2019 regular council meeting

Calvert moved, Schack seconded a motion to accept the minutes, as presented. Schack, Carter, Bergstedt, Ellingson, Calvert and Wiersum voted “yes.” Happe abstained. Motion carried.

6. Special Matters:

A. Recognition of Firefighter Alan Burton upon his retirement

Wiersum read a proclamation in full for the record recognizing Firefighter Alan Burton and thanked him for his 21 years of dedicated service to the City of Minnetonka. He presented Firefighter Burton with a plaque from the city and round of applause was offered by all in attendance.

Firefighter Burton thanked his family, the fire department and the city council for their support over the years.

Mayor and council recognized Alan Burton.
B. Recognition of Finance Director and City Treasurer Merrill Shepherd King upon her retirement

Wiersum read a proclamation in full for the record recognizing Finance Director and City Treasurer Merrill Shepherd King and thanked her for her years of dedicated service to the City of Minnetonka.

Calvert commended Ms. Shepherd King for sharing her time and talents with the council.

Carter thanked Ms. Shepherd King for being extraordinary and for working patiently with her to understand the budget and city finances.

Bergstedt thanked Ms. Shepherd King for her excellent service to the city and wished her well in her retirement.

Schack stated she appreciated the professional service Ms. Shepherd King provided to the city.

Happe thanked Ms. Shepherd King for all her hard work and wished her all the best in the future.

Ellingson stated only 6% of the cities in the country had a AAA bond rating. He commended Ms. Shepherd King for assisting the city in achieving this goal.

Wiersum presented Ms. Shepherd King with a plaque from the city and a round of applause was offered by all in attendance.

Ms. Shepherd King stated it has been an honor for her to serve the City of Minnetonka over the years. She explained she had worked for state and county organizations, but explained local government was her favorite place to be. She reported she has lived and worked in this community for the past 15 years and believed this is a great city. She stated she appreciated the integrity that was shown uniformly by every staff member in this organization and that every single person was valued. She was proud of the fact that everyone was respected from top to bottom and that every absence was felt. She thanked the council for reflecting the mutual desire to do the right thing for the community and she appreciated the opportunity to develop professionally within this organization. A round of applause was offered by all in attendance.

City Manager Geralyn Barone stated she appreciated Ms. Shepherd King, her passion, her creativity and for providing great leadership to the city.

Mayor and council recognized Merrill Shepherd King.
C. **Proclamation declaring Sept. 15 – 21 as Minnetonka Medicare Education Week**

Ellingson read a proclamation in full for the record declaring Sept. 15 through Sept. 21 to be Minnetonka Medicare Education Week in the City of Minnetonka.

D. **Proclamation declaring Sept. 9 – 15 as Direct Support Professionals Recognition Week**

Carter read a proclamation in full for the record declaring Sept. 9 through Sept. 15 to be Direct Support Professionals Recognition Week in the City of Minnetonka.

E. **Proclamation declaring Sept. 8, 2109 as Women’s Suffrage Ratification Centennial Day**

Schack read a proclamation in full for the record declaring Sept. 8 to be Women’s Suffrage Ratification Centennial Day in the City of Minnetonka.

7. **Reports from City Manager & Council Members**

City Manager Geralyn Barone reported on upcoming city events and council meetings. It was noted City Hall would be closed on Monday, Sept. 2 for Labor Day.

Calvert stated she attended two different committee meetings with Metro Cities and the League of Minnesota Cities.

Schack thanked the EDAC, planning department and planning commission for a great joint tour.

Wiersum reported he received a memo from Gary Carlson a Director of Intergovernmental Relations with the League of Minnesota Cities informing him State Representative Steve Elkins was being recognized by the League as a Legislator of Distinction. He read a portion of the letter in full for the record and commended Steve Elkins for his exemplary service pointing out the need for local control of cities.

8. **Citizens Wishing to Discuss Matters not on the Agenda: None.**

9. **Bids and Purchases:**

A. **Bids for the Crosby Road culvert project**

Director of Public Works Will Manchester gave the staff report.
Happe explained when this bridge collapsed it created a terrible situation for the homeowners. He appreciated the great work the city did to put in a temporary structure in order to create access. He thanked Mr. Manchester for working with the homeowners to resolve this issue.

Happe moved, Carter seconded a motion to award the contract and amend the CIP. All voted “yes.” Motion carried.

10. Consent Agenda – Items Requiring a Majority Vote:

A. Resolutions pertaining to levying the 2019 Special Assessments


B. Conditional use permit for a dental clinic at 11300 Wayzata Blvd

Ellingson moved, Calvert seconded a motion to adopt Resolution 2019-074 approving the permit. All voted “yes.” Motion carried.

C. Resolution approving a conditional use permit and an expansion permit for an accessory structure at 16913 Hwy 7

Ellingson moved, Calvert seconded a motion to adopt Resolution 2019-075 approving the request. All voted “yes.” Motion carried.

D. Resolution approving the final plat of LEGACY OAKS 4th ADDITION

Ellingson moved, Calvert seconded a motion to adopt Resolution 2019-076 approving the final plat as amended. All voted “yes.” Motion carried.

11. Consent Agenda – Items requiring Five Votes: None

12. Introduction of Ordinances: None

13. Public Hearings: None

14. Other Business:

A. Resolution approving the preliminary plat of BIRD SONG, a 13-lot subdivision of the existing property at 2410 Oakland Road
City Planner Loren Gordon gave the staff report.

Calvert commented the stock market was quite interesting at this time and there were talks of a looming recession. She questioned if it was the best move to grade one of the most pristine pieces of property in all of Minnesota this fall in hopes of developing the site with $1.5 to $2 million homes in the spring of 2020. Gordon deferred the home building plan to the developer. He commented on the protection measures that would be put in place to ensure the site would not become a hazard after it was graded.

Carter asked how long it would take to fully develop the site. Gordon explained the developer has estimated it would take three years to fully develop the site.

Eric Zehnder, Zehnder Homes, introduced himself to the council and explained he would be the developer for Bird Song. He explained there was a risk going into any development and noted he had completed quite a bit of research for this project. He reported he had one lot sold already and had another on hold. He stated this was a prime location and there was a great deal of interest.

Schack requested further information regarding the covenants that would be put in place. Mr. Zehnder explained this development would have a homeowners association in place and this organization would review an architectural review committee. He noted the plan was for him to build all of the homes in the neighborhood. He commented if the market did start to turn, he could sell lots to other builders.

Wiersum opened the meeting to public comment.

Lindsay Arthur, 2400 Oakland Road, stated he has lived in his home for the past 43 years. He reported he lived adjacent to the Bird Song property. He expressed concern with the proposed development and how it would drain. He commented the site had a great deal of lowland and wetlands. He believed the western one-third of the property was wetland and could not be developed. He feared that the 14 feet of fill being brought in on Lot 8 could push water onto his property. He commented further on a low spot within the development and feared a home built in this area would have a wet basement. He recommended the developer not be allowed the move the existing pond. He made several other recommendations about how homes should be shifted on lots in order to reduce the use of fill and need for grading. He reported he spoke to the watershed district and made them aware of his concerns. He encouraged the developer to respect the land as it is and reconsider his development. He explained his property was one of the last remaining lots in Minnetonka that does not have city sewer and water. He noted he could split his large lot into three parcels and noted a driveway and utility easement would be needed across Lot 8 of Bird Song at some point in the future.
Ellingson asked if the changes being proposed by Mr. Arthur would reduce the number of houses within the Bird Song development. Mr. Arthur explained he was not proposing to reduce the number of homes, but rather was asking the developer to shift Lot 8 to the west. He commented on how this shift would reduce the number of trees that would be lost. He recommended the pond remain as is. It was his opinion the lots would be improved through his suggestions.

Gordon commented on the proposed water and sewer connections. He reported typically connections are made through roadways in looped systems. He indicated if the system were extended through Lot 8 this would alter the grading in the area and several very large oak trees would be lost. He explained another option would be to bring the connections to the edge of the right of way with grading occurring in the future. He reported the driveway would be more problematic because the grade was quite steep.

Carter asked what would happen if the preliminary plat was approved. Gordon explained after a preliminary plat was approved final approval would be needed. City Attorney Heine advised once a preliminary plat is approved, if the final plat comes back consistent with the preliminary plat and meets all conditions, the developer is entitled to approval of the final plat.

Schack questioned if moving a great deal of earth and a pond was typical or if staff could reevaluate the grading plan. Gordon discussed how the street and utilities were laid out for this project explaining the proposed location was the most logical.

Wiersum commented he believed the preliminary plat looked the way it did for a reason. He stated he did not want to see a development design that had meaningful shortfalls. He indicated this was not the first development the council had considered where ponds were being moved or recreated. He requested further comment from staff regarding the drainage within the proposed development. Gordon explained this was not an easy drainage situation because of the topography within the property. He discussed the location of the three wetlands on the site and noted the wetlands would have the same water coming into them pre and post development. He reported the water would also have to flow out of the development in the same manner as it was today, to the west and out into the wetland complex along I-494. He reiterated that no wetlands on the site would be filled in.

Mr. Zehnder clarified this was a conforming plat that meets all city standards. He noted the pond that would be moved had a rubber liner and could be easily moved. He explained stormwater runoff was much more regulated after development and currently was unchecked. He reported the pond had to be
moved because of the utilities. He discussed the steep slope on Lot 8 and commented on the discussion he held with Mr. Arthur. He reported Mr. Arthur is not an engineer and indicated his proposed changes would not be conforming. Lastly, he noted he had been working with staff for the past year on this project.

Wiersum thanked Mr. Zehnder for responding to the questions that have been raised. He asked if the council had any other comments or questions for staff.

Bergstedt reported the city had very professional staff and understood the developer had been working with staff for the past year on Bird Song. He indicated this was a totally conforming preliminary plat that met all city standards. He stated he was not comfortable redesigning this project on the fly. He commented he would be supportive of the project as presented.

Schack stated having visited the site she had concerns with the drainage, but noted she was not an engineer. She indicated she would have to trust the drainage plans would work appropriately. She believed it was a shame the parcel could not be preserved, but she understood this was a private parcel and that the property owner had a right to develop the land. She also understood the proposed plan conformed with city code but encouraged Mr. Zehnder to work with staff in order to address some of Mr. Arthur’s concerns regarding future development of his property. She noted because the development met all city code requirements she would be supporting the project.

Calvert explained her general feeling was that it was time for the city council to start exercising some imagination and vision on the last large parcels in the city. She believed the city has missed the mark on this one. She understood the proposed project conformed but believed this was not the highest and best use for this site. She commented for legal reasons, whether she liked it or not, she would be compelled to vote yes. She implored the developer to treat this property with the reverence that it deserves.

Wiersum indicated this was a conforming proposal. He commented on the Crosby Cove project and how the council was uncomfortable with that development. He explained the council was compelled to follow the law, noting this was vitally important. He was of the opinion there would be a more opportune time to get utilities to the Arthur’s property in the future than through Bird Song. He reiterated this was a conforming project and the council had no legal reason to vote no. For this reason, he would be offering his support to the project.

Bergstedt moved, Happe seconded a motion to adopt Resolution 2019-077 approving the preliminary plat. All voted “yes.” Motion carried.
Wiersum recessed the city council meeting at 8:20 p.m.

Wiersum reconvened the city council meeting at 8:30 p.m.

B. **Mountain bike study and concept plan**
Kelly O’Dea, Jesse Izquierdo, Carol Hejl and Leslie Yetka gave the staff report.

Wiersum thanked staff for the thorough report.

Carter requested further information on what a “take” permit was. Yetka explained a take permit would be issued by the US Fish and Wildlife Service and was issued to non-federal entities that were doing lawful work. She reported it was her understanding a take permit was not required at this time.

Schack asked what the distance was from the proposed mountain biking trails to adjacent homes. Hejl explained the closest trail would be 25 to 30 feet from a property line. She indicated this distance was closer to 100 feet from actual structures.

Bergstedt questioned if e-bikes would be allowed on the mountain biking trails. Izquierdo reported e-bikes were a new recreational tool and explained land managers were trying to evaluate what the impact they would be on the community. He stated the City of Minnetonka would need to further discuss e-bikes in order to create a policy for best practices going forward.

Carter inquired if there were other parks in the metro area that allowed e-bikes. Izquierdo indicated he could not speak to this.

Calvert asked what the plan would be to reduce the spread of invasive species. Yetka commented on the city’s stewardship program and invasive species management plan. She reported the city was fortunate to have dedicated staff to deal with invasive species as well as seasonal staff and volunteers. She indicated the city was already addressing invasive species and would continue this practice throughout the mountain biking trails.

Calvert questioned if the trails would have a bike washing station to help minimize exposure to invasive species being spread. Izquierdo reported this expense was not included in the budget, but noted staff was discussing how to reduce the spread of invasive species in the best manner possible. He explained staff has discussed how to get water to the trailheads with the public works department.

Calvert indicated she has walked this park on numerous occasions. She inquired if off leash dogs degraded the environment or spread invasive species in the
same manner as mountain bikes. Yetka stated she was not aware of any studies that had been completed on how dogs were impacting trails or the spread of invasive species. Izquierdo reported the biggest spread of invasives came from off-leash dogs.

Wiersum opened the meeting for public comment.

Jeff Greenwood, 6032 Pinewood Lane, explained he supported new mountain biking trails in Minnetonka. He stated he has been biking in Minnetonka since 1979. He discussed the trails he frequented in the community. He encouraged the council to support the trails and improve Lone Lake Park for the residents of Minnetonka. He reported mountain bikers loved the outdoors and were excellent stewards of the environment. He discussed how trail building was becoming popular throughout the State of Minnesota and country. He encouraged the council to build the trails and allow Minnetonka residents another way to enjoy the outdoors.

Shelby, 3181 Lakeshore Boulevard, reported she was beginning her second year on the Minnetonka mountain biking team. She encouraged the city council to build new trails in Lone Lake Park. She explained mountain biking was a great stress relief for her and noted this was a family sport. She indicated she liked mountain biking better than road biking because it was safer. She noted she would be more than happy to help in maintaining the trails in Lone Lake Park.

Ed Hassler, 5516 Sanibel Drive, explained he loved to mountain bike and stated he would like to see trails proliferate the metro area but not in Lone Lake Park. He commented on a walk he went on with staff last August in Lone Lake Park.

Wiersum interrupted and stated he had read Mr. Hassler’s email. He requested Mr. Hassler not criticize staff or create an item for debate.

Stewart Grub, Emmons & Olivier Resources at 7030 6th Street North in Oakdale, stated he was a professional geologist and environmental scientist. He explained he had been working with Protect our Minnetonka Parks for the last year doing an environmental assessment.

Wiersum questioned who was involved in the Protect our Minnetonka Parks group. Mr. Grub stated Maureen Hacket was the group’s president. He indicated he was not sure how many members the group had. He apologized for not knowing any names, but explained he was acting as their consultant. He continued with a presentation which addressed the environmental impacts of the proposed mountain biking trails. He reviewed a picture of the oak trees in the park and discussed how the trails would impact critical tree root zones. He reported he surveyed the trees along the proposed trail alignment and noted more than 100 trees would be impacted by the proposed trail. He was of the
opinion this impact had not been addressed through the previous studies. He reviewed the requirements for tree protection and mitigation per Minnetonka City Code. He reported 33 significant trees were located along the proposed trail and 17 high priority trees. He estimated the cost to replace these trees would cost $680,000 to $1.3 million. He noted Long Lake Park was a woodland preservation area and was designated as a DNR Big Woods remnant area. He commented further on how the park would be impacted if the large trees and their canopies were lost.

Mr. Grub reported he conducted a bird count and explained over 103 species were identified in Lone Lake Park with 10 species being on the greatest conservation need list. He feared the number of bird species and birds in general within the park would decline if the mountain bike trails were approved. He commented on the importance of the rusty patched bumble bee and feared the mountain bike trail would disturb their habitat.

Mr. Grub commented steep slopes through the park were a concern noting the trail areas with steep slopes would require a wider area of the park land to be disturbed. He explained per Minnetonka City Ordinance Section 300.28.20 with respect to steep slopes it states the development will not result in soil erosion, flooding, severe scarring, reduced water quality, inadequate drainage control or other problems. He provided further comment on the areas where erosion hazards would occur within the proposed mountain biking trails. He then discussed the areas within the proposed trails that would violate the Shoreland Ordinance with respect to soil erosion.

Mr. Grub stated patronage at Lone Lake Park would increase and described the number of new developments that were proposed within one mile of the park. He reported mountain bikes would limit the traditional opportunities for typical use of the park. He then commented on the archaeological, historical and cultural resources within the park. He explained MnSHPO has warned the city of Minnetonka that there was a very high potential for unrecorded archaeological and cemetery sites in this vicinity and recommended that the city plan to have the area surveyed by an archaeologist prior to development. He reported Protect our Minnetonka Parks requested permission to conduct a Phase I Archaeological Study and permission was denied by the city of Minnetonka. Mr. Grub discussed the cumulative impacts a mountain bikes course would have on Lone Lake Park and thanked the council for their time.

Linda Russell, 5423 Maple Ridge Court, indicated she has volunteered at this park over the years and walks there regularly. She thanked the council for the opportunity to speak. She understood this was a very difficult issue. She explained she represented the Friends of Lone Lake Park group. She stated she lived one mile from this park and was frustrated with the fact a meaningful neighborhood meeting was not held for this proposal. She questioned why the
city did not involve the neighbors as has been the process followed in the past, like for Big Willow Park. She understood an open house style meeting was held but believed this was not the same as a neighborhood meeting because no input was taken from the residents. She asked if the council was aware of the fact the park board did not allow residents to speak regarding this issue. She stated she was disappointed with the fact the park board would not take any comments. She believed it was vital for the city to take feedback from the neighbors prior to moving forward with any type of project. She encouraged the council to do this thing right and allow the neighbors to be a part of the process.

John Rocko, 5423 Maple Ridge Court, commented on the archeological study that was completed on the park. He noted he was an anthropologist with a PHD from the University of Minnesota. He discussed the insight of what “very high likelihood” meant within the archeological study. He reported the State Tribal Council was involved in an oversight capacity. He explained the Dakota typically buried their people on bluffs with the best views. He noted there were 12,500 documented native burials sites in Minnesota and a high percent were in the Lake Minnetonka area. He indicated the State Archeologist believes there was a high likelihood that when the land is surveyed the city will find artifacts and remnants of cemeteries. If the city were to find these things, he believed a more intensive second and third phase of the project would be required which would increase the project timeline and expense. He commented if burial mounds are found the entire project may have to be redesigned. He encouraged the council to consider how further expenses, archeological delays and the lasting ecological damage could impact this project. He questioned how much was too much and recommended the council vote no on the mountain bike trails.

Mary McKee, 3842 Baker Road, encouraged the council to remember Lone Lake Park was one 146 acres. She noted Carver Park had over 3,000 acres and mountain bike trails were being planned for this park. She believed this park could serve the high school students. She explained mountain bike trails were also being planned for Bren Mar Park. She was of the opinion the need for mountain bike trails had already been met.

Ann Gershone, 13111 April Lane, she stated she was a healthcare provider and stated she had concerns with the number of intersecting paths within the mountain biking trails. She believed these were safety hazards. She discussed the expense of a mountain bike and noted only the upper and middle class could afford this sport. She encouraged the council to pursue activities in Lone Lake Park that were for all people. She stated she was not against mountain biking and understood this was great exercise. However, she believed mountain biking required a specific designated space that was closed. She indicated she did not want to see the mountain biking course located within a preserve.
Samira Opti, 2828 Jordan Avenue South, explained she has been to Lone Lake Park on numerous occasions on walks. She believed mountain biking trails were available elsewhere and should not be located in Lone Lake Park.

Paulie Beard, 5353 Dominic Drive, stated she has lived at her home for the past 30 years and she loves Lone Lake Park. She explained she also loved mountain biking and believed this was a wonderful sport. She discussed the history of the park, noting in 1989 70% of residents supported preserving the city’s natural areas and 65% strongly opposed active development in Purgatory Park. She commented on an active use that was proposed at Lone Lane Park in 1990. She reported after much discussion, the ballfields in the western portion of the park the city did not move forward with the proposal. She indicated she served on the park board from 1992 to 2000. During this time and with council support the natural resources plan was created. She commented on the benefits of preserving the city’s natural areas. She encouraged the council to be good stewards of the city’s natural areas and not pursue an active development within Lone Lake Park. She reported this would deteriorate the park and feared the proposed use would create an imbalance within Lone Lake Park. She recommended the council not support the concept plan for mountain biking trails within Lone Lake Park. She stated she wanted to see the park preserved.

David Sanford, 1145 Bren Road, explained after reviewing the plans for the mountain bike trails he spoke with several other communities regarding their trails. He reviewed the questions and answers he received from staff at Edina, Woodbury, Lakeville, the Theodore Worth Park system, and the Three Rivers Park District. He indicated the number of trail crossings and trail design were a concern to him. In addition, he feared the city would not have enough volunteers to maintain the trails. He recommended the council reconsider their plans for Lone Lake Park and not pursue the mountain biking trails.

Mark Norquist, 14000 Brandbury Walk, stated he has been a resident of Minnetonka for the past 21 years. He explained he was raising his family and operated a business in Minnetonka. He indicated he was proud to live in Minnetonka and thanked the council for the great work they do on behalf of the community. He commented the city had 48 parks and these parks were dedicated to community based recreational needs as well as the preservation of unique landscapes and open spaces. He believed the plan before the council was for a sustainable and responsibly built mountain bike course. He stated he supported the proposed mountain bike trail as it would connect more people with the outdoors. He discussed the challenge people had connecting youth with the outdoors and noted mountain biking was one of the fastest growing sports among youth. He reported this was a silent sport that helped people pedal their way to a healthier lifestyle. He indicated there were tradeoffs to building anything but he believed the tradeoffs for the proposed trails would be minor, as was
described by staff. He reported his son was requesting mountain biking trails in Minnetonka and it was his hope the council would support the project.

Talya Tapper, 4765 Maple Chase Drive, explained she currently lived in Deephaven. She encouraged the council to consider her future residence noting this would be based on what the community has to offer. She indicated she would base this decision on how close important amenities were to her home as this would reduce her need to drive everywhere. She wanted to live in a place where she could walk or bike to the bank, a health care provider, etc. She then discussed her experiences of biking in the community noting Minnetonka residents were not friendly to bicyclists. She explained she has been called rude and annoying for legally using the road and trails in the city. She was of the opinion this same bias was now being translated over to the proposed Lone Lake Park mountain biking trails. She believed the environmental studies completed by the city were sound and encouraged the council to support the proposed mountain biking trails.

Nadia, 4040 Highland Road, commented she learned to ride her bike when she was six years old and has been biking ever since. She reported her dad brought her to Theodore Worth Park when she was seven or eight and she fell in love with mountain biking. She explained she attended a fat tire bike festival and indicated this was a great community of people. She noted the closest mountain biking park to her home was Theodore Worth Park which was quite a drive during rush hour. She encouraged the council to pursue mountain biking trails in Lone Lake Park because this would allow her and other residents to bike from their homes to this park.

Jane Emkey, 5391 Maple Ridge Court, stated she has lived in her home for the past 30 years. She questioned why the city was so concerned with filling up all of the greenspace that was left in the community. She feared that recreation would take precedence over preserving sensitive habitat at Lone Lake Park. She believed the residents of Minnetonka could not afford to compromise any further greenspace in the city given its value to humans. She was of the opinion the current proposal did not take into consideration the value of preserving greenspace. She questioned why the neighbors of Lone Lake Park had not been contacted regarding this proposal and encouraged the council to preserve Lone Lake Park.

Laura Brill, 11700 Vista Drive, thanked the council for their service to the community. She reported Heather Holm, an award winning speaker on bees, recommends the council further consider how the rusty patched bee would be impacted by the proposed mountain biking trails. She believed the council had the responsibility to save the only endangered species known to occur in Minnetonka. She stated in 2018 the bee was documented in multiple locations on multiple occasions in Lone Lake Park. These findings were brought to the
council’s attention. She indicated the bee was thriving in Lone Lake Park due to the excellent work completed by staff and volunteers to preserve the greenspace. She was bewildered why a recreational “want” by a relatively small portion of the population was more important than preserving the habitat of an endangered species. She stated if this proposal was approved it would not be in compliance with federal management guidelines and policies. She explained the proposed trails were quite dense and could deter nesting of the bees. She recommended more research be completed by qualified biologists and that best practices be followed to protect the rusty patched bee. She encouraged the council to vote no on the concept plan for the mountain biking trails.

Larry Wade, 15524 Day Place, stated he was a naturalist and noted he had been bringing students out to Lone Lake Park for the past two decades. He indicated he wrote a book about the nature in Minnetonka. He thanked the council for spending time with his group and for listening. He reported his goal was to convince the council to create a Big Woods Preserve at Lone Lake Park. He stated this was important because this was an endangered forest. He explained the west suburbs used to be covered with Big Woods and noted now there were only four remnants. He indicated he spoke with an individual from the DNR regarding the Big Woods at Lone Lake Park. He reported this rare forest was extremely valuable and encouraged the council to be good stewards of this land. He estimated the trees within Lone Lake Park was 70 to 80 years old. It was his hope his great grandkids could walk through this park having it still be protected. He recommended a small nature center be considered for this park. He believed the council had the wisdom to seize this opportunity and change the course for this park by preserving the Big Woods.

Veronica Smith, 13001 Orchard Road, stated in 1995 she began restoring a prairie remnant across the street from the Marsh Fitness Center along the Lake Minnetonka LRT. She indicated City Manager Geralyn Barone helped her begin this task. She commented on the value of having a Big Woods Preserve in the city and encouraged council to consider the wisdom in further preserving this area.

Lori Sylvester, 3716 Hill Top Road, stated she mountain bikes with her family.

Sylvester, 3716 Hill Top Road, believed the work the city has done was proposing a win for the city. He did not believe anybody had to lose in this situation. He commented on the numerous trails in the metro area that allowed for walking, hiking, mountain biking and bird watching. He was of the opinion the city of Minnetonka could have the same thing in Lone Lake Park.

Ruby Sylvester, 3716 Hill Top Road, stated she was 11 years old and enjoys mountain biking with her family. She explained this was an amazing sport.
Austin Roberts, 5512 Tamarac Circle, indicated he was a 17 year old Minnetonka High Schooler. He reported he was part of the vantage program at the school. He explained the vantage students proposed mountain biking trails to the park board two years ago. He thanked the council for hearing the voices of the youth. He was proud of what was started between the vantage program and the city of Minnetonka. He commented he was a runner and not a biker but it was his hope his friends could use the trails.

Sebastian Reusch Roman, 3642 Robinwood Terrace, stated he loved mountain biking with his grandpa. He commented he also loved Lone Lake Park the way it was. He explained he supported the mountain biking trails but noted he also liked the park as is.

Marianna Lennick, resident of St. Louis Park, indicated she grew up in Minnetonka. She reported she loved Lone Lake Park and the time she had spent enjoying nature with her family in this park. She discussed how the park was calming to her given how quiet and still this greenspace was. She described how amphibians would be adversely impacted by the mountain biking trails. She reviewed the distinction rate for amphibians and noted frogs would be at risk within Lone Lake Park. She commented further on how the bike trails would harm the park and urged the council to not support the concept plan.

Gary Peterson, Treasurer of the Vista Woods Homeowners Association, explained he sent a letter to the council previously. He commented on the setback requirements for park trails and stated he believed 25 feet was not acceptable. He recommended the city consider having a 100 foot setback. He stated he was concerned about liability issues as people had been riding on townhome property.

Angela Murr, 5554 Nantucket Place, stated she has lived in her home for the past 13 years. She explained she valued the city’s commitment to preservation noting she and her husband volunteered to assist with preservation work. She feared how the dense network of biking trails would adversely impact Lone Lake Park. She believed the proposed trails went against the park restoration work that has been done over the past 20 years. She understood the city needed to balance active and passive activities but she believed the mountain biking trails would upset the balance at Lone Lake Park. She believed it was more important to honor history and the dedication to land ethics than to give in to the demands of one specific group. She encouraged the council to not move forward with the proposed mountain biking trails.

Sam Nelson, 13001 Jane Lane, stated he has lived in his home for one year but in Minnetonka for the past six years. He discussed the culture of mountain bikers and noted there was great communication and safety on the trails. He reported mountain bikers loved nature and the environment too. He explained he was
proud of the youth that have come forward to speak. He indicated there was a lot of excitement about this sport. He believed Lone Lake Park was a perfect location for the trails and that the space should be utilized. He was of the opinion e-bikes would not be able to traverse the mountain bike trails. He did not anticipate the city would have to worry about ancient artifacts on this site. He discussed how the mountain biking culture was further and encouraged the council to support the concept plan for mountain biking trails at Lone Lake Park.

Jeff Engram, 14400 Linnell Drive, stated he has lived in Minnetonka for the past 26 years. He indicated he loves this city and everything about it. He reported he has conducted restoration work in the city and its parks. He noted he adopted a drain and was a proud steward of Victoria Park. He discussed the research he had done regarding the proposed mountain biking trails and commended staff on their tremendous efforts. He commented other parks successfully have mountain biking trails and rusty patched bees through land proper management. He was of the opinion Minnetonka could do the same. He encouraged the council to support the mountain biking trails.

Jessica Kurus, 4120 St. Mark’s Drive, explained she was a 15 year student in Minnetonka and was a mountain bike racer. She discussed her experience with mountain biking and stated this sport was extremely important to her. She indicated her mountain biking teammates have become a second family to her and offer her tremendous support. She recommended the council support the proposed trails as this would be a closer option for Minnetonka residents.

Dale Feste, 14014 Windsor Road, indicated he has been a resident of Minnetonka for 37 years. He stated he was amazed by how this city works. He believed this was a great community to live in and raise his family. He commented further on the dynamic strength of this community and how the city has been dedicated to enhance the quality of life for its residents. He encouraged the council to move forward with the proposed mountain biking trails as this would be one more thing that would enhance the quality of life in the city.

Trish Gardner, 14409 Orchard Road, stated she can't play soccer, football, or baseball anymore but she can go mountain biking. She explained she appreciated doing this activity with her grandsons. She hoped the council would vote yes on the concept plan for the mountain biking trails.

Ben Marks, 4362 Avondale Street, reported he has been a resident of Minnetonka for the past 23 years. He discussed the history of this topic and noted over 400 residents have participated in meetings. He commented Lone Lake Park met the requirements for proposed 4.7 miles of mountain bike trails. He described the difference between informal and sustainable trails. He reiterated that off road cycling was a silent sport similar to cross-country skiing and snowshoeing. He reported there were 140 paved parking spots at Lone
Lake Park which would adequately serve park visitors. He explained the Minnetonka Mountain Bike Trail Advocates have volunteered 244.25 hours helping city staff remove invasive species from the parks. He reported these volunteers would continue to assist with maintaining the proposed sustainable trails. He reported off road cycling was the fastest growing sport in Minnesota. He explained the residents advocating for the trails will not destroy Lone Lake Park but rather would build on all of the preservation that has occurred and will continue to build to improve the park. He stated this project has given youth and young families a reason to care and get involved with the city. He believed it would be valuable to have more people using Lone Lake Park. He was confident the city could work to make Lone Lake Park an even better park that was more inclusive for all of its residents. He ended his statement with a quote from Theodore Worth stating, “parks are for people”.

Grayden Betts, resident of Elk River, stated he was a representative from the Minnesota Off Road Cyclists. He explained his non-profit organization worked with 11 different land management agencies to provide recreational, multi-use trails at 13 different locations in the metro area. He reported he had over 100 volunteers that worked to maintain over 100 miles of single track in the area. He commented on the educational program available to train volunteers in the design, creation and maintenance of sustainable trails. He reported the trails in his area were some of the best maintained trails in the nation. He read a letter from the Wright County Parks and Recreation Manager discussing how well MORG worked to maintain trails. He stated his organization would be ready and willing to support the city’s efforts towards a single track in Minnetonka.

Valdo Calvert, 3814 Baker Road, explained he worked for the US Fish and Wildlife Service for 40 years as a member of the regional staff and prior to that he worked for the US Forestry Service. He reported in his job he worked on hundreds and hundreds of miles of trails in California and across the United States. He indicated his primary job was to maintain ecological soundness. He stated he has appreciated the passion that has been shared on both sides of this issue. He was of the opinion the work done by staff was as good as any he has seen and noted all biological needs have been covered. He assured the people that are concerned about the project to understand staff did a thorough job researching this project. He was of the opinion the concerns could be mitigated with sound trail management. He believed this was a sound project and there was no reason to disapprove it.

Grace Sheely, 14325 Grainier Road, explained she spent ten hours trying to document and photograph the rusty patched bumble bee, noting she was a beekeeper. She indicated people don’t understand insects and encouraged the council to consider the importance of insects further. She reported Lone Lake Park was the crown jewel of the community. She believed there were other
parks in Minnetonka that could be used for mountain biking trails and she encouraged the council to not pursue mountain biking trails at Lone Lake Park.

Steve Fillick, 4222 Oak Drive Lane, commented on how mountain biking has helped his son who was recently diagnosed with ASD (autism). He explained his son enjoys being out on the trails and being a part of nature. He anticipated there were many other sons or daughters that could truly benefit from the proposed mountain biking trails. He encouraged the council to support the proposed project at Lone Lake Park.

Dan Kromer, 3725 Elmwood Place, noted he has lived in his home for the past 22 years. He explained mountain bikers care deeply for the environment. He indicated the city needs to have people using its parks in order to properly protect the parks. He stated the city could reduce global warming by allowing residents to bike to trails in Minnetonka versus having to load up their vehicle and drive outside of the community. He reported mountain biking was a silent sport that allowed riders to get up close to nature. He encouraged the council to support the proposed trails at Lone Lake Park.

James W. Fallon, 4149 Baker Road, noted he has lived at his home in Minnetonka for the past 40 years. He stated he was an engineer and tradesman. He reported he was an avid cyclist and had worked on the velodrome in Blaine. He believed in being active noting he still completed marathons. He explained he was an advocate for keeping the park as is. He understood the council had a difficult decision before them as it would be difficult to appease both sides of this issue. He encouraged the council to consider locating the mountain biking trails within a vacant 47 acre lot that the city already owned.

Terry Neff, 5524 Dominic Drive, explained her husband, Tom, had sent a letter to the council. She read a portion of this letter to the council discussing the process that was followed for this project by the park board and city council. She questioned if this concept plan could be sent back to the park board in order to integrate the feedback received from the public. She reported the city would have to properly train its volunteers to ensure trail maintenance was being done properly.

Holden Pardel, 5509 Honey Avenue, stated he has lived in Minnetonka for the past 14 years. He explained he loved mountain biking and being out on the trails with his family. He indicated he was on the autism spectrum and encouraged the council to support the trails. He believed these trails would help other children get into this sport.

Rosanne Fisher, 5512 Bristol Lane, reported she has lived in Minnetonka for the past 25 years. She explained she volunteered with Helping Paws and indicated she worked with veterans suffering from PTSD and trauma. She commented she
took trained service dogs to Lone Lake Park because this park was quiet. She believed she would no longer be able to bring the dogs to the park for training purposes because the park would not be quiet. She stated she had nothing against mountain bikers but explained she was sad she would no longer be allowed in the park with her dogs. She encouraged the council to think of the dogs and the vets when considering the concept plan for Lone Lake Park.

City Manager Geralyn Barone explained the council had a rule that stated all meetings were to end by 12:00 midnight. She indicated meeting times could be extended by motion of the council to a time certain.

Honor Urbanis, 5512 Bristol Lane, explained she grew up going to Lone Lake Park. She reported this park had a great deal of serenity and meaning to her. She encouraged the council to keep this park as is and not approve the mountain bike trails.

Gerald Grishon, 13111 Hawthorne Lane, thanked the city of Minnetonka for showing a great deal of wisdom and foresight in the post plan. He was pleased the ecologically sensitive areas were designated as a preserve. He commented as the city becomes more and more subdivided he believed it was more important to preserve areas as greenspace. He noted he was a master naturalist volunteer with the city of Minnetonka and understood the importance of an intact ecosystem. He explained Lone Lake Park was a gem in the community. He commented on the value of the city having a nature center and natural spaces. He discussed the size of Carver Park and recommended mountain biking trails be located in this park. He believed it would be of value to the community for the council to preserve the natural legacy of Lone Lake Park. He requested the council keep the park passive with nature trails and not allow the mountain bike trails.

Jennifer Mundt, 5261 Beachside Drive, noted she has been a resident of Minnetonka for the past 22 years. She explained she has represented the city of Minnetonka with the Metropolitan Council for the past eight years. She commented as a policy maker she has walked in the council’s shoes. She valued the hard work being done by the council and the difficult decision before them. She congratulated staff for all of their hard efforts and for making Minnetonka a leader among cities. She indicated she was speaking now as a neighbor who fell in love with Lone Lake Park. She requested the council rethink the proposal to carve mountain biking trails into the Big Woods. She reported her family treasured the fact they were within walking distance of a big forest. She discussed how her family unplugged and was able to get lost in the woods away from screens, cell phones and cars. She noted her grandkids also enjoyed their time with nature. She commented on the importance of the rusty patched bumble bee. She expressed concern with having the mountain biking trails be shared paths with hikers and feared this would cause harm to hikers. She
understood there was a place for mountain bikes but recommended Lone Lake Park not be that place.

Julia McCohn, 5013 Crown Street, stated she about one mile from Lone Lake Park. She thanked the council for all of the time and consideration they are putting into this issue. She then thanked all of the residents in attendance for voicing their concerns. She explained this was not an either or situation. She noted all of the park amenities would still remain if the mountain bike trails were installed. She indicated no old growth trees would be removed. She commented that she had seen these trails work in other areas of the cities. She hoped Minnetonka could provide a park that residents could ride their bikes to and head home without having to load up a car. She reported the EPA identifies passive recreational activities as being hunting, camping, hiking, wild life viewing, observing nature, picnicking, walking, bird watching, historic archeological exploration, swimming, cross country skiing, running, bicycling, jogging, climbing, horse back riding and fishing. She believed that by adding mountain biking trails to Lone Lake Park the city would be adding one more passive amenity for residents of Minnetonka to enjoy.

John Layton, 5042 Manitou Road, stressed the longevity of riding single track. He noted he was over 75 and reported mountain biking was a sport that kept him moving as it was kind to the body and easy on the mind. He reported he was the designer and builder of 30 miles of mountain bike single track in the Schwamagan National Forest. He explained the trails he developed have been given epic status by the International Mountain Biking Association (IMBA). He noted he began this project some 18 years ago to defeat erosion and he reported the trail standards developed by IMBA are effective in that respect. In addition, trails are routed where they should be routed, which creates a very kind trail system for the environment. He commented further on how safe sustainable trails were because they took into account site lines. He explained if the council were to do nothing with the current trails at Lone Lake Park the city would be defeating the environment.

Igor Freedman, 5705 Lakewood Drive, stated he was an active cyclist and athlete. He explained he was typically pro-development and did not shy away from building on raw and untouched land. As an architectural designer he understood architects were to treat land with the utmost precision and consideration. He feared the proposed mountain biking trails did not adhere to these requirements and do not uphold the high standards. He believed Minnetonka was special because of its precious natural spaces. He encouraged the council take additional time to consider this project. For safety purposes, he also did not support mountain biking trails be located in Lone Lake Park. He feared there would be collisions between hikers and bikers. He recommended Lone Lake Park remain a natural greenspace both now and going into the future.
Luke VanSanten, 2148 Sheridan Hills Road, stated Lone Lake Park, a gem of solitude in the community borders an interstate highway with 100,000 vehicle trips per day and on the south it borders another highway with 35,000 vehicle trips per day. He explained the park also had 10 to 20 overflights per day. He understood residents were seeking the park for solitude but he found this to be incorrect. He explained he supported the mountain biking trails in Lone Lake Park and encouraged the council to support the plan.

Wiersum closed the meeting to public comments. He requested the council make a motion to extend the meeting to 12:30 a.m.

Calvert moved, Carter seconded a motion to extend the city council meeting to 12:30 a.m. Schack, Carter, Bergstedt, Ellingson, Calvert and Wiersum voted “yes”. Happe voted “no”. Motion carried.

Wiersum asked for follow up comments or questions from the council.

Calvert questioned how many high priority trees would be removed for this project. Yetka reported no high priority trees would be impacted.

Calvert asked how many significant trees would be taken out for this project. Yetka indicated no significant trees would be removed during the construction of this project.

Calvert inquired if a bike washing station condition could be set when approving this project. Barone reported the council could make this a condition for approval and staff would have to further investigate the expense.

Calvert commented she received a letter from the Minnesota High School League stating there will be no races conducted at this park. Barone explained this could be made a condition for approval.

Calvert questioned if the city understood the content of an MOU with MORC. Izquierdo reported staff had exchanged language surrounding an MOU with MORC.

Calvert asked if there was any flexibility with setbacks and if a condition could be set to require a setback of more than 25 feet. Hejl indicated there was no setback requirement at this time.

Carter inquired if there was a practice or precedent in creating quiet times in parks for specific time periods and how the city could enforce this. Izquierdo stated there was not a quiet time ordinance with respect to mountain biking. He commented this would be a difficult matter for the city to enforce. Barone
reported there would be a cost to the city in order to monitor and enforce quiet time hours.

Calvert questioned how bad behavior from mountain bikers would be addressed by the city. Barone explained the park board could revisit the use of the trails and would make a recommendation to the council.

Happe stated he stopped at Lone Lake Park prior to the meeting this evening. He explained this was a terrific park and he was struck by the balance of nature and recreation. He commented he did not want to wreck the park. He expressed frustration with the fact it did not seem there was any compromising on this issue. He understood the public was split on this issue but stated he was prepared to support the proposed trails with the understanding the council would review the trails annually at a joint meeting with the park board. He believed this would ensure there was good behavior and that MORC was following through on the trail maintenance.

Ellingson commented he was in favor of mountain biking. He believed the report from staff was very thorough and provided the council with a great deal of information. He did not agree with the fact mountain biking had to be allowed in Lone Lake Park because it could not be located anywhere else in the city. He expressed concern that there was no interest in compromise between the two sides of the issue. He was of the opinion the city would be better off by reaching a compromise. He indicated he did not believe mountain biking was a passive activity but rather was a very active sport. He noted he was a little concerned about safety given the fact the proposed trails were only 18 inches wide and would be shared between hikers and bikers. It was his hope the city could come up with other areas in the city for mountain bike trails because he believed Lone Lake Park was set aside for preservation and not further development. He reported this direction was made 20 years ago and he believed the city would be going back on its word by allowing this activity in Lone Lake Park.

Calvert indicated she has walked this park many times. One of the compromises the city may consider would be to reduce the density of the trails being proposed. She stated in terms of protecting the environment, staff was recommending approval of the trails. She noted this recommendation comes from a group of professionals that have taken into consideration the city’s natural resources and endangered species. She believed the city of Minnetonka was very special and had a wonderful staff that cared about this issue. She understood mountain bikers were just as environmentally passionate as those opposing this trail. She believed the mountain bikers would be good stewards of the park space. She was of the opinion there was also some blindness to the current use given the degradation of the current foot paths. She commented further on how unleashed dogs were spreading invasive species. She believed that having engineered trails that minimize erosion would be providing better care for the park.
Schack stated this was a difficult decision for her. She commented she was
disappointed by the tenor of the conversations that have occurred over the past few months in the city. She believed that mountain bikers and those that love the environment should do better. She explained there were a lot of people that wanted mountain biking trails and she understood the council could not make a decision based on this type of activity because the majority wanted it. Rather, the council worked to provide a broad set of resources for the community. She reported Lone Lake Park would be good for mountain biking because it has varying terrain and did not have railroad tracks. She understood the city had to be good stewards of this park land but she believed staff has shown the economic impacts of the trails would be mitigated. She explained her dilemma with the proposed trails was the fact that they would be multi-use. She was concerned. She feared people walking with kids and dogs would conflict with mountain bikers.

Bergstedt commented one of the most frustrating things for him was he received 500 to 600 emails and he did not recall one where anyone was offering a compromise. He stated he has become more educated on sustainable mountain biking trails and he believed mountain bikers were being vilified. He explained mountain bikers cared about the environment and enjoyed being in nature. He understood change was always difficult and that it was hard to please everyone all the time. He indicated he could support the concept plan and recommended an annual update occur for these trails. He stated his only concern with the trails were the setbacks from property lines. He understood this was a smaller site but recommended this be looked at closer in order to make gains in the setbacks.

Carter stated most of what she was feeling has already been expressed. She indicated she appreciated the discussion that had been held tonight because it was exhibiting the best of Minnetonka. She explained she was extremely conflicted on this issue but understood she was being asked to make a decision that was bigger than herself. She believed the environmental impacts could be properly managed with diligence and accountability. She commented this would be a great amenity for Minnetonka residents and for this reason she was inclined to support the trails.

Wiersum stated throughout this process he has read a lot of emails and talked to a lot of people. He concluded that this was a great city, people love it and are passionate about it. He understood that while everyone may not agree on the conclusion, everyone in the room cared about the city. He was proud of this fact. He explained this was a challenging decision for him. He indicated he recently walked all of the formal trails at Lone Lake Park. He anticipated there would be traffic on the trails, but that it would not be that much. He commented weekends and Wednesdays may be busier. He explained the walking trails that were in the park today would continue to exist in the same form. He believed the mountain
biking trails would not be that visible from the walking trails. He was of the belief the city should be working to get people into the parks and not out of the parks. He understood that this park was a gem in the community. He was of the opinion staff would work to ensure the mountain biking trails did not degrade the park. He believed the park would only get better and not worse through the proposed concept plan. He understood that people feared change but he trusted city staff and the plans that were in place for Lone Lake Park.

Carter moved, Calvert seconded a motion to extend the city council meeting to 12:40 a.m. Schack, Carter, Bergstedt, Ellingson, Calvert and Wiersum voted “yes”. Happe voted “no”. Motion carried.

Bergstedt thanked the mayor for complimenting staff. He took the time to also thank the park board for their efforts on this matter.

Calvert commented the tenor of the debate had been disappointing in the past and she thanked those present for keeping the comments made tonight civil.

Wiersum discussed his reasoning for asking Mr. Hassler to step away from the podium noting this resident had accused one staff member of lying and then assumed other staff members were lying. He did not believe this meeting was a place for demeaning staff.

Happe questioned how the council should proceed with the motion. Barone recommended the motion include instruction for staff to provide updates on a yearly basis and that the setbacks be further considered.

Wiersum supported staff addressing the setback concerns.

Happe moved, Bergstedt seconded a motion to approve the concept plan for mountain bike trails at Lone Lake Park requiring staff to provide the joint park board and city council with annual updates on the trails. Carter, Bergstedt, Calvert, Happe and Wiersum voted “yes”. Ellingson and Schack voted “no.” Motion carried.
15. Appointments and Reappointments: None

16. Adjournment

Schack moved, Carter seconded a motion to adjourn the meeting at 12:35 a.m. All voted “yes.” Motion carried.

Respectfully submitted,

Becky Koosman
City Clerk
City Council Agenda Item #6A  
Meeting of Oct. 7, 2019

**Brief Description:** Recognition of National Award for Fire Recruitment Plan

**Recommended Action:** Recognize the award

**Background**

In September, at a national awards ceremony recognizing outstanding work in marketing and communications, the city received another first place trophy – this time a national award – for its Firefighter Recruitment Strategic Marketing Plan. This same plan was honored earlier this year with a first-place statewide award from the Minnesota Association of Government Communicators.

The recruitment campaign, called "Give More. Be More. Become a Minnetonka Firefighter," was developed in partnership with the fire department and was a multi-pronged marketing plan designed to draw in a greater number of firefighter applicants.

The campaign resulted in a 60-percent increase in firefighter applicants from the previous year. Furthermore, the entire campaign was accomplished for only $1,500.

Senior Communications Coordinator Justin Pelegano, who was the lead on the project, worked closely with representatives from Minnetonka Fire to craft and implement the plan. Justin’s writing, paired with professional design and photography, perfectly captured the spirit behind our outstanding firefighters.

3CMA awards salute professionals who have planned and implemented creative and effective communications and marketing projects in the public sector. Over 700 entries from cities and counties across the nation were submitted in the contest.

**Recommendation**

Recognize the award.

Submitted through:  
Geralyn Barone, City Manager

Originated by: Kari Spreeman, Communications and Marketing Manager
Description
Resolution approving the final plat of CONIFER HEIGHTS at 5616 Mahoney Ave and 5615 Conifer Trail

Recommendation
Adopt the resolution approving the final plat

Proposal
On July 22, 2019, the city council approved the CONIFER HEIGHTS preliminary plat. The plat would divide the existing property into six residential lots. Five of the new lots would be accessed via a newly constructed extension of Conifer Trail. The remaining lot would be accessed via Mahoney Avenue.

The applicant, Capital Development, LLC, has requested approval of the CONIFER HEIGHTS final plat. All documents required prior to final plat approval have been submitted.

Staff Recommendation
Staff recommends the council adopt the resolution approving the final plat of CONIFER HEIGHTS at 5616 Mahoney Ave and 5615 Conifer Trail.

Submitted through:
  Mike Funk, Assistant City Manager
  Julie Wischnack, AICP, Community Development Director
  Loren Gordon, AICP, City Planner

Originated by:
  Ashley Cauley, Senior Planner
CONIFER HEIGHTS

KNOW ALL PERSONS BY THESE PRESENTS: The Capital Development, LLC, a Minnesota limited liability company, owner of the following described property:

The North 300 feet of the North 200 feet of the West Half of the East Half of the South Half of the Northwest Quarter of Section 37, Township 177, Range 22, Minneapolis County, Minnesota.

The South 300 feet of the Northeast Quarter of the Southeast Quarter of Section 37, Township 177, Range 22, Minneapolis County, Minnesota.

The South Half of the Northeast Quarter of the Southeast Quarter of Section 37, Township 177, Range 22.

The North 300 feet of the North 200 feet of the East Half of the West Half of the North Half of the Northeast Quarter of the Northwest Quarter of Section 37, Township 177, Range 22.

This conveyance is made and granted to CONIFER HEIGHTS and does hereby dedicate to the public for public use the drainage and utility easements as created by this plat.

In witness whereof, said Capital Development, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer the ______ day of __________________, 2016.

Capital Development, LLC,

By __________________________ Chief Manager

STATE OF ________________
COUNTY OF ________________

The instrument was acknowledged before me on __________________, 2016 by __________________________, Chief Manager of Capital Development, LLC, a Minnesota limited liability company, on behalf of the company.

__________________________
(Signature)
(Notary Public)
(Notary Public)

The above conveyance is acknowledged as of __________________, 2016, by __________________________, Chief Manager of Capital Development, LLC, a Minnesota limited liability company, on behalf of the company.

__________________________
(Signature)
(Notary Public)

City Council, City of Minneapolis, Minnesota

This plat of THE PARCELS was approved and accepted by the City Council of the City of Minneapolis, Minnesota, on a regular meeting thereof held on the ______ day of __________________, 2016, and said plat is in compliance with the provisions of Minnesota Statutes, Section 506.33, Subd. 2.

City Council, City of Minneapolis, Minnesota

By __________________________ Mayor

By __________________________ Clerk

RECEIVED AND REAL ESTATE OFFICES, Hennepin County, Minnesota

I hereby certify that true copies of this plat have been delivered to him or her for filing and recordation on the plat, dated the ______ day of __________________, 2016.

Mark V. Draper, County Auditor
By __________________________ Deputy

SURVEY DIVISION, Hennepin County, Minnesota

Pursuant to MINN. STAT. Sec. 363.555 (1995) this plat has been approved the ______ day of __________________, 2016.

Chris M. Woods, County Surveyor
By __________________________

COUNTY RECORDS, Hennepin County, Minnesota

I hereby certify that the original plat of THE PARCELS was recorded in the office of the ______ day of __________________, 2016, at __________ o'clock ______ M.

Mark McDonald, County Recorder
By __________________________ Deputy

Date of Recording: __________________, 2016

Gray Spaniel, Land Surveyor

Wenck Associates

Wenck Associates

Wenck Associates

Wenck Associates

Wenck Associates
Resolution No. 2019-063

Resolution approving the preliminary plat of CONIFER HEIGHTS, a six-lot subdivision, at 5615 Conifer Trail and 5616 Mahoney Ave

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 Capital Development, LLC has requested preliminary plat approval for CONIFER HEIGHTS. (Project 19016.19a).

1.02 The site is located at 5615 Conifer Trail and 5616 Mahoney Ave.

It is legally described as follows:

Parcel B:

The south 100 feet of the North 200 feet of the west half of the east half of the north half of the Northwest quarter of the southeast quarter of the northeast quarter of Section 31, Township 117, Range 22, Hennepin County, Minnesota.

Parcel C:

The north half of the northwest quarter of the southeast quarter of the northeast quarter of Section 31, Township 117 North, Range 22 West of the 5th principal meridian, except the north 126.8 feet of the east quarter thereof.

AND EXCEPT:

The south 100 feet of the north 200 feet of the west half of the east half of the north half of the northwest quarter of the southeast quarter of the northeast quarter of Section 31, Township 117, Range 22.

1.03 On July 11, 2019, the planning commission held a hearing on the proposed plat. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received, and the staff report, which is incorporated by reference into this resolution. The
commission recommended that the city council grant preliminary plat approval.

Section 2. General Standards.

2.01 City Code §400.030 outlines general design requirements for residential subdivisions. These standards are incorporated by reference into this resolution.

Section 3. Findings.

3.01 The proposed preliminary plat meets the design requirements as outlined in City Code §400.030.


4.01 The above-described preliminary plat is hereby approved, subject to the following conditions:

1. Final plat approval is required. A final plat will not be placed on a city council agenda until a complete final plat application is received. The following must be submitted for a final plat application to be considered complete:

   a) A signed ALTA survey.

   b) A final plat drawing that clearly illustrates the following:

      1) A minimum 10-foot wide drainage and utility easements adjacent to the public right-of-way(s) and minimum 7-foot wide drainage and utility easements along all other lot lines.

      2) Utility easements over existing or proposed public utilities, as determined by the city engineer.

      3) Drainage and utility easements over wetlands, floodplains, and stormwater management facilities, as determined by the city engineer.

      4) A minimum 20-foot right of way along Mahoney Ave.

      5) The outlot incorporated into Lot 6.

   c) Documents for the city attorney's review and approval. These documents must be prepared by an attorney knowledgeable in the area of real estate.
1) Title evidence that current within thirty days before the release of the final plat.

2) Conservation easements over the 25-foot wetland buffer and a drawing of the easements. The easement may allow removal of hazard, diseased, or invasive species.

3) Documents establishing a homeowners' association. The association must be responsible for maintaining any common areas, common drives, required drainage ponding, and any other required drainage improvements approved by the City. Maintenance will include, but not be limited to, the periodic removal of sedimentation at the base of the pond and any adjacent drainage ditches, keeping a vegetative cover within the ditches and pond, and removing any blockage of the swale or culvert that may impede the drainage of the site, as approved with the building permits.

4) A Contract for Residential Development (or Developers Agreement) if the applicant or developer is constructing any public improvements. This agreement must guarantee that the developer will complete all public improvements and meet all city requirements.

5) Stormwater maintenance agreement in the city approved format.

d) Outstanding taxes must be paid in full.

2. Prior to final plat approval:

a) This resolution must be recorded with Hennepin County.

b) The documents outlined in section 4.01(1)(c) above must be approved by the city attorney.

3. Submit the following prior to the release of the final plat for recording:

a) Two sets of mylars for city signatures.

b) An electronic CAD file of the plat in microstation or DXF and PDF format.

c) Park dedication fee of $20,000.

4. Subject to staff approval, CONIFER HEIGHTS, must be developed and
maintained in substantial conformance with the following plans, except as modified by the conditions below:

- Site plan dated May 9, 2019.
- Preconstruction erosion and demolition plans dated May 9, 2019.
- Tree survey, mitigation and preservation plans dated May 9, 2019.
- Grading and erosion control plan dated May 9, 2019.
- Utility plan dated May 9, 2019.

5. A grading permit is required. Unless authorized by appropriate staff, no site work may begin until a complete grading permit application has been submitted, reviewed by staff, and approved.

a) The following must be submitted for the grading permit to be considered complete.

1) Evidence of filing the final plat at Hennepin County and copies of all recorded easements and documents as required in section 4.01(1)(a)(2) of this resolution.

2) An electronic PDF copy of all required plans and specifications.

3) Final site, grading, drainage, utility, landscape, tree mitigation plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.

a. Final grading plan must:

- Be adjusted as much as possible to maintain tree loss and adequately preserve trees.

- Include B612 curb with curb cuts at proposed driveway locations.

b. Final stormwater management plan is required for the entire site’s impervious surface. The plan must demonstrate conformance with the following criteria:

- Rate: limit peak runoff flow rates to that of existing conditions from the 2-, 10-, and 100-year events at all points where stormwater leaves the site.
Volume: provide for onsite retention of 1-inch of runoff from the site's impervious surface.

Quality: provide for runoff to be treated to at least 60-percent total phosphorus annual removal efficiency and 90-percent total suspended solid annual removal efficiency.

In addition:

- Locate the STMH 100 in curb line rather than in the roadway to connect to the existing storm sewer.

- Storm pipe sizing cannot decrease in size in the downstream direction. Maintain 24-inch.

- Bioretention basin must draw down in 48 hours. Maximum ponding depth is 18 inches.

c. Final utility plan must:

- Use the updated detail plates.

- Include profiles of utilities for review of grades and depth.

- Indicate that the water main pipe is DIP.

- Show service locations and locate the water services outside of the driveway.

- Illustration installation of an isolation valve outside of cul-de-sac for green space isolation.

- Illustration installation of a gate valve on the southern leg of Mahoney Ave connection.

- Indicated no water services may come from the side yard. Services must be located outside of the green space isolation valves.

- Illustrate unused water service pipe on Mahoney Avenue must be removed back to
the main, with the corporation stop turned off and a city-approved repair clamp to cover the corporation stop.

- Note wet tap the 6-inch main on Mahoney Avenue.
- Locate SSMH 2 to roadway in line with SSMH 1.
- Illustrate drop manhole structure to be outside drops.

d. Final landscaping and tree mitigation plans must meet minimum landscaping and mitigation requirements as outlined in the ordinance. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on site conditions. In addition:

- No more than four high priority trees can be removed.
- Based on the submitted plans the mitigation requirements would be 19, two-inch trees.

4) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct streets and utility improvements, comply with grading permit, wetland restoration, tree mitigation requirements, and to restore the site. One itemized letter of credit is permissible if approved by staff. The city will not fully release the letters of credit or cash escrow until: (1) as-built drawings have been submitted; (2) a letter certifying that the streets and utilities have been completed according to the plans approved by the city has been submitted; (3) vegetated ground cover has been established; and (4) required landscaping or vegetation has survived one full growing season.

5) A construction management plan. The plan must be in a city-approved format and must outline minimum site management practices and penalties for non-compliance.

6) A copy of the approved MPCA NPDES permit.

7) A MDH permit for the proposed water main or documentation from the MDH that a permit is not required.
8) A MPCA sanitary sewer extension permit or documentation from the MPCA that a permit is not required.

9) Evidence of closure/capping of any existing wells, septic systems, and removal of any existing fuel oil tanks.

10) All required administration and engineering fees.

11) Evidence that an erosion control inspector has been hired to monitor the site through the course of construction. This inspector must provide weekly reports to natural resource staff in a format acceptable to the city. At its sole discretion, the city may accept escrow dollars, in an amount to be determined by natural resource staff, to contract with an erosion control inspector to monitor the site throughout the course of construction.

12) Cash escrow in an amount of $3000. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document, the builder and property owner will acknowledge:

- The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and

- If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

b) Prior to issuance of the grading permit, a pre-construction meeting is required.

c) Prior to issuance of the grading permit, install a temporary rock driveway, erosion control, tree and wetland protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.

d) Permits may be required from other outside agencies including, Hennepin County, the Riley-Purgatory-Bluff Creek Watershed District, and the MPCA. It is the applicant’s and/or property owner’s responsibility to obtain any necessary permits.

6. Prior to issuance of a building permit for the first new house within the
development, submit the following documents:

a) A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.

b) A letter from the surveyor stating that all encroachments onto other properties, as noted on the survey, have been removed and the areas restored.

c) Proof of subdivision registration and transfer of NPDES permit.

7. Prior to issuance of a building permit for any of the lots within the development:

a) Submit the following items for staff review and approval:

1) A construction management plan. This plan must be in a city-approved format and outline minimum site management practices and penalties for non-compliance. If the builder is the same entity doing grading work on the site, the construction management plan submitted at the time of grading permit may fulfill this requirement.

2) Final grading and tree preservation plan for the lot. The plan must:

a. Be in substantial conformance with the approved plans.

b. Protect trees to remain on site as required by city staff.

c. Show sewer and water services to minimize impact to any significant or high-priority trees. No trees may be removed for installation of services.

d. Meet minimum mitigation requirements, as outlined in the ordinance. However, at the sole discretion of staff, mitigation may be decreased.

3) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document, the builder and property owner will acknowledge:
• The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and

• If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

If the builder is the same entity doing grading work on the site, the cash escrow submitted at the time of grading permit may fulfill this requirement.

b) Install a temporary rock driveway, erosion control, tree and wetland protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.

c) Install heavy duty fencing, which may include chain-link fencing, at the conservation easement. This fencing must be maintained throughout the course of construction.

d) Submit all required hook-up fees.

8. All lots and structures within the development are subject to all R-1 zoning standards. In addition:

a) All structures must meet the required wetland setback.

b) All lots within the development must meet all minimum access requirements as outlined in Minnesota State Fire Code Section 503. These access requirements include road dimension, surface, and grade standards. If access requirements are not met, houses must be protected with a 13D automatic fire sprinkler system or an approved alternative system.

9. The city may require installation and maintenance of signs which delineate the edge of any required conservation easement. This signage is subject to the review and approval of city staff.

10. During construction, the streets must be kept free of debris and sediment.

11. The property owner is responsible for replacing any required landscaping that dies.
12. The city must approve the final plat within one year of the preliminary approval or receive a written application for a time extension, or the preliminary approval will be void.

Adopted by the City Council of the City of Minnetonka, Minnesota, on July 22, 2019.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption: Bergstedt
Seconded by: Calvert
Voted in favor of: Schack, Carter, Bergstedt, Ellingson, Calvert, Wiersum
Voted against:
Abstained:
Absent: Happe:
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on July 22, 2019.

Becky Koosman, City Clerk
Resolution No. 2019-
Resolution approving the final plat of CONIFER HEIGHTS, a six-lot subdivision at 5615 Conifer Trail and 5616 Mahoney Avenue

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 Capital Development, LLC, has requested approval of the final plat of CONIFER HEIGHTS.

1.02 The property is located at 5615 Conifer Trail and 5616 Mahoney Ave.

It is legally described as:

Parcel B:

The south 100 feet of the North 200 feet of the west half of the east half of the north half of the Northwest quarter of the southeast quarter of the northeast quarter of Section 31, Township 117, Range 22, Hennepin County, Minnesota.

Parcel C:

The north half of the northwest quarter of the southeast quarter of the northeast quarter of Section 31, Township 117 North, Range 22 West of the 5th principal meridian, except the north 126.8 feet of the east quarter thereof.

AND EXCEPT:

The south 100 feet of the north 200 feet of the west half of the east half of the north half of the northwest quarter of the southeast quarter of the northeast quarter of Section 31, Township 117, Range. 22.

1.03 On July 22, 2019, the city council approved CONIFER HEIGHTS preliminary plat.

Section 2. Standards.

2.01 The city council approves the final plat of CONIFER HEIGHTS. Approval is subject
to the following conditions:


2. Prior to the release of the final plat for recording, submit the following:
   a) Two sets of mylars for city signatures.
   b) An electronic CAD file of the plat in microstation or DXF.
   c) Park dedication fee of $20,000.

3. Unless the city council approves a time extension, the final plat must be recorded by Oct. 7, 2020.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Oct. 7, 2019.

________________________________
Brad Wiersum, Mayor

Attest:
__________________________________
Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on Oct. 7, 2019.

_________________________________
Becky Koosman, City Clerk
City Council Agenda Item #10B
Meeting of Oct. 7, 2019

Brief Description  Ordinance amending city code 400.300 Subd.6(3) pertaining to lot-behind-lot standards

Recommendation  Adopt the ordinance

Background

In 2014, the city adopted a new subdivision ordinance. The ordinance did not include any substantive changes to the ordinance then “on the books.” Rather, it was updated for consistency with the zoning ordinance and existing practices. In updating the ordinance, a standard requiring fire protection for new homes on lots-behind-lots was inadvertently deleted. Since the adoption of the new subdivision ordinance, there have been no new lot-behind-lots created.

Proposed

Staff proposes reinserting this fire protection requirement, as 400.030 Sub.6(3)(f):

   automatic fire sprinkler protection must be provided for every new dwelling built on or moved onto a lot-behind-a-lot.

Planning Commission Review and Recommendation

The planning commission considered the proposed ordinance on Sept. 19, 2019. The commission report and meeting minutes are attached. On a 5-0 vote, the commission recommended the city council adopt the ordinance.

Staff Recommendation

Staff recommends the council adopt the ordinance.

Submitted through:
   Mike Funk, Assistant City Manager
   Julie Wischnack, AICP, Community Development Director
   Loren Gordon, AICP, City Planner

Originated by:
   Susan Thomas, AICP, Principal Planner
MINNETONKA PLANNING COMMISSION
Sept. 19, 2019

**Brief Description**
Ordinance amending city code 400.300 Subd.6(3) pertaining to lot-behind-lot standards

**Recommendation**
Recommend the city council adopt the ordinance amendment

**Background**
In 2014, the city adopted a new subdivision ordinance. The ordinance did not include any substantive changes to the ordinance then “on the books.” Rather, it was updated for consistency with the zoning ordinance and existing practices. In updating the ordinance, a standard requiring fire protection for new homes on lots-behind-lots was inadvertently deleted. Since the adoption of the new subdivision ordinance, there have been no new lot-behind-lots created.

**Proposed**
Staff proposes reinserting this fire protection requirement, as 400.030 Sub.6(3)(f):

> automatic fire sprinkler protection must be provided for every new dwelling built on or moved onto a lot-behind-a-lot.

**Staff recommendation**
Recommend the city council adopt the ordinance amendment.

Originator: Susan Thomas, AICP, Assistant City Planner
Through: Loren Gordon, AICP, City Planner
E. Ordinance amending City Code 400.300, Subd. 6(3) pertaining to lot-behind-lot standards.

Recommend that the city council adopt the ordinance amendment.

*Henry, Knight, Luke, Sewell, and Kirk voted yes. Hanson and Powers were absent. Motion carried and the items on the consent agenda were approved as submitted.*

Chair Kirk stated that an appeal of the planning commission’s decision regarding Items 7A, 7B, 7C, and 7D must be made in writing to the planning division within 10 days. Item 7E is scheduled to be reviewed by the city council Oct. 7, 2019.

8. Public Hearings

A. Amendment to the Minnetonka Corporate Center sign plan at 6050 Clearwater Drive.

Chair Kirk introduced the proposal and called for the staff report.

Thomas reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Rick Ferraro, Spectrum Sign Systems, applicant, stated that Thomas did an excellent job covering the main points of the request. The business has thousands of patients and visitors who travel to the site every year, so identifying the facility from the major roadways is extremely important. He was available for questions.

Henry asked if the sign design was done with way-finding in mind. Mr. Ferraro answered that a rebranding is occurring system wide to make the sign more readable.

The public hearing was opened. No testimony was submitted and the hearing was closed.

Chair Kirk noted that it would be is easier to read the proposed sign.

*Sewall moved, second by Knight, to adopt the resolution amending the Minnetonka Corporate Center sign plan as it pertains to the building at 6050 Clearwater Drive.*

*Henry, Knight, Luke, Sewell, and Kirk voted yes. Hanson and Powers were absent. Motion carried.*

B. Variances to expand the parking lot at 5400 Opportunity Court.

Chair Kirk introduced the proposal and called for the staff report.
Ordinance No. 2019-

An ordinance amending city code section 400.030 Subd.6, regarding lot-behind-lot standards

The City Of Minnetonka Ordains:

Section 1.  Section 400.030 Subd.6(3) of the Minnetonka City Code, regarding lot-behind-lot standards, is amended to include the following:

   f. automatic fire sprinkler protection must be provided for every new dwelling built on or moved onto a lot-behind-a-lot.

Section 2.  This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on Oct. 7, 2019.

 Brad Wiersum, Mayor

 Attest:

Becky Koosman, City Clerk

Action on this ordinance:

Date of introduction:   Sept. 16, 2019
Date of adoption:
Motion for adoption:
Seconded by:

The stricken language is deleted; the single-underlined language is inserted.
Ordinance No. 2019-__

Voted in favor of:
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on Oct. 7, 2019.

Becky Koosman, City Clerk
City Council Agenda Item #10C
Meeting of Oct. 7, 2019

Brief Description
Resolution reaffirming preliminary and final plat approval of WILLISTON ACRES 3rd ADDITION, a two-lot subdivision at 14819 Margaret Place

Recommendation
Adopt the resolution approving the preliminary and final plats

Background
On Dec. 18, 2017, the city council adopted Resolution No. 2017-138 approving the preliminary and final plats of WILLISTON ACRES 3rd ADDITION. As a condition of the resolution, the approval would be void on Dec. 18, 2018, if: (1) the final plat was not recorded; and (2) the city council had not received and approved a written application for a time extension.

Lake West Development submitted the final plat to Hennepin County for recording on March 12, 2019, three months after the city approval had expired. One of the properties created by the plat was subsequently sold to new owners, who would like to construct a home on the lot. To officially recognize the lot that was erroneously created at the county, Lake West Development is requesting that the council reaffirm the previous approvals.

Staff Comment
The subdivision ordinance does not include any specific conditions under which plat approval may be extended or reaffirmed. The city has generally considered: (1) whether there have been changes to city code or policy that would affect the previous approval; and (2) whether such extension would adversely affect the interests of neighboring property owners.

Staff finds:

- While the name of the plat has changed to simply WILLISTON ACRES, there have been no substantive changes to the previously approved plats.
- There have been no changes to city code or policy that would affect the previous approval.
- The extension would not adversely affect the interests of neighboring property owners.

Staff Recommendation
Staff recommends the city council approved the resolution reaffirming the previous approval of the preliminary and final plat of WILLISTON ACRES at 14819 Margaret Place.

Through: Mike Funk, Assistant City Manager
Julie Wischnack, AICP, Community Development Director
Loren Gordon, AICP, City Planner

Originator: Susan Thomas, AICP, Assistant City Planner
Resolution No. 2017-138

Resolution approving the preliminary and final plat of WILLISTON ACRES 3rd ADDITION at 14819 Margaret Place

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 Lake West Development, LLC, has requested approval of preliminary and final plats of WILLISTON ACRES 3rd ADDITION, a two-lot residential subdivision, at 14819 Margaret Place

1.02 The property is legally described as:

Lots 11 and 12, including adjoining vacated alley, subject to road, Williston Park Acres, Hennepin County, Minnesota

1.03 On November 30, 2017, the planning commission held a hearing on the proposed plat. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the preliminary and final plats.

Section 2. General Standards.

2.01 City Code §400.030 outlines general design requirements for residential subdivisions. These standards are incorporated by reference into this resolution.

Section 3. Findings.

3.01 With a slight shift of the proposed property line, which is a condition of this resolution, the preliminary plat would meet the design standards as outlined in City Code §400.030.

4.01 The above-described preliminary and final plats are hereby approved, subject to the following conditions:

1. Prior to release of the final plat for recording, submit the following:

   a) A revised final plat drawing that clearly illustrates the following:

      1) All existing easements, including those described by Document No. 4750938 and 9625170.
      2) Dedication of additional right-of-way adjacent to the south side of Margaret Place. The required dedication is generally illustrated in an exhibit to the November 30, 2017 staff report. The right-of-way must cover the existing road encroachment, plus a 6-foot wide boulevard.
      3) A 5-foot shift of the proposed common property line to ensure minimum lot area is met. The required shift is generally illustrated in an exhibit to the November 30, 2017 staff report.
      4) A minimum 10-foot wide drainage and utility easement adjacent to the public right-of-way and minimum 7-foot wide drainage and utility easements along all other lot lines.

   b) Title evidence that is current within thirty days before release of the final plat.

   c) An electronic CAD file of the plat in microstation or DXF.

   d) Two sets of mylars for city signatures.

   e) Park dedication fee of $5000.

2. Prior to issuance of a building permit

   a) Submit the following:

      1) A revised utility plan. The plans must illustrate:

         a. Extension of the 8-inch public sanitary sewer main to the east from the cul-de-sac manhole. The extension must be along the north side of the existing watermain in accordance with Minnesota Department of Health requirements.
b. Removal of existing 6-inch private sanitary sewer service to Lot 1 and reconfiguration of the service to provide a perpendicular connection to the extended main.

c. Connection of Lot 2 to the new sanitary main.

d. The water service on Lot 2 shifted to the west in order to save tree 840.

e. Minimum 1.5 inch water service to Lot 2.

2) A Sanitary Sewer Extension permit from Minnesota Pollution Control Agency or documentation from the agency that such permit is not required.

3) A right-of-way permit application for work within the public right-of-way.

4) A driveway permit.

5) A final grading and tree preservation plan. The plan must:
   b. Not impact more than 30% of the critical root zones of the following trees:
      - Lot 1 - Trees 826, 853, 855, 862, 863, 864, and 865
      - Lot 2 - Trees 840, 842, A (848 as tagged in the field but not recorded on the inventory), 849, 850, and 851.
   c. Show sewer and water services to minimize impact to any significant or high-priority trees. No trees may be removed for installation of services.

Note: no tree removal or grading may begin until a building permit is issued.

6) A tree mitigation plan. The plan must meet minimum mitigation requirements as outlined in the ordinance. However, at the sole discretion of staff, mitigation may be decreased.
7) A letter of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to extend the sanitary main and patch Margaret Place. One itemized letter of credit is permissible, if approved by staff. The city will not fully release the letter of credit or cash escrow until: (1) as-built drawings have been submitted; and (2) the city engineer has accepted, in writing, the sanitary sewer extension and street repair.

8) Erosion control cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:

- The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
- If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

9) All required hook-up fees.

b) Install a temporary rock driveway, erosion control, tree and wetland protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.

c) Hold a preconstruction meeting for extension of the sanitary sewer main.

3. A half-width patch of Margaret Place, at a minimum, is required for the length of the sanitary sewer construction. If the construction requires road disturbance to cross the centerline, then a full-width patch is required.

4. All lots and structures within the plat are subject to all the R-1 zoning standards.

5. This approval will be void on December 18, 2018, if: (1) a final plat is not recorded; and (2) the city council has not received and approved a written application for a time extension.
Adopted by the City Council of the City of Minnetonka, Minnesota, on December 18, 2017.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption: Allendorf
Seconded by: Bergstedt
Voted in favor of: Bergstedt, Wagner, Ellingson, Allendorf, Acomb, Wiersum, Schneider
Voted against: 
Abstained: 
Absent: 
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on December 18, 2017.

David E. Maeda, City Clerk
No delinquent taxes
Current year taxes for whole parcel are paid
Transfer Entered
Mar 12, 2019 1:30 PM

Hennepin County, Minnesota
Mark Chapin
County Auditor and Treasurer

<table>
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<tr>
<th>Deputy 98</th>
<th>Pkg ID 1799223C</th>
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**Document Total**

$56.00

**PID(s)**
21-117-22-12-0038

This cover sheet is now a permanent part of the recorded document.
WILLISTON ACRES

OFFICIAL PLAT
ADDITION NO. 10829
September 11, 2019

Susan Thomas  
City of Minnetonka  
14600 Minnetonka Blvd  
Minnetonka, MN 55345

Susan,

I would like to have the plat for Williston Acres reaffirmed, can the City please accommodate me in this request?

Sincerely,

Curt Fretham
Resolution No. 2019-

Resolution reaffirming the previous approval of the preliminary and final plat of WILLISTON ACRES at 14819 Margaret Place

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 On Dec. 18, 2017, the city council adopted Resolution No. 2017-138, approving the preliminary and final plat of WILLISTON ACRES 3rd ADDITION.

1.02 The property to be subdivided is located at 14819 Margaret Place. It is legally described as:

Lots 11 and 12, including adjoining vacated alley, subject to road, Williston Park Acres, Hennepin County, Minnesota

1.03 The approval granted under Resolution No. 2017-138 expired on Dec. 18, 2018.

1.04 Lake West Development, LLC. is requesting reaffirmation of the preliminary and final plat.

Section 2. Findings

2.01 While the name of plat has changed to simply WILLISTON ACRES; there have been no substantive changes to the previously approved plats.

2.02 There have been no changes to city code or policy that would affect the previous approval.

2.03 The plats meet all minimum zoning and subdivision ordinance standards.

Section 3. Council Action.

3.01 Preliminary and final plat approval is hereby reaffirmed, subject to the following conditions:
1. Prior to issuance of a building permit:
   
a) Submit the following:

   1) A revised utility plan. The plans must illustrate:
   
   a. Extension of the 8-inch public sanitary sewer main to the east from the cul-de-sac manhole. The extension must be along the north side of the existing watermain in accordance with Minnesota Department of Health requirements.
   
   b. Removal of existing 6-inch private sanitary sewer service to Lot 1 and reconfiguration of the service to provide a perpendicular connection to the extended main.
   
   c. Connection of Lot 2 to the new sanitary main.
   
   d. The water service on Lot 2 shifted to the west in order to save tree 840.
   
   e. Minimum 1.5-inch water service to Lot 2.
   
   2) A Sanitary Sewer Extension permit from Minnesota Pollution Control Agency or documentation from the agency that such permit is not required.
   
   3) A right-of-way permit application for work within the public right-of-way.
   
   4) A driveway permit.
   
   5) A final grading and tree preservation plan. The plan must:
   
   
   b. Not impact more than 30% of the critical root zones of the following trees:
   
   - Lot 1 - Trees 826, 853, 855, 862, 863, 864, and 865
   - Lot 2 - Trees 840, 842, A (848 as tagged in the field but not recorded on the inventory), 849, 850, and 851.
c. Show sewer and water services to minimize impact to any significant or high-priority trees. No trees may be removed for the installation of services.

Note: no tree removal or grading may begin until a building permit is issued.

6) A tree mitigation plan. The plan must meet minimum mitigation requirements as outlined in the ordinance. However, at the sole discretion of staff, mitigation may be decreased.

7) A letter of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to extend the sanitary main and patch Margaret Place. One itemized letter of credit is permissible if approved by staff. The city will not fully release the letter of credit or cash escrow until (1) as-built drawings have been submitted; and (2) the city engineer has accepted, in writing, the sanitary sewer extension and street repair.

8) Erosion control cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document, the builder and property owner will acknowledge:

- The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
- If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

9) All required hook-up fees.

b) Install a temporary rock driveway, erosion control, tree and wetland protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.

c) Hold a preconstruction meeting for extension of the sanitary sewer main.

2. A half-width patch of Margaret Place, at a minimum, is required for the length of the sanitary sewer construction. If the construction requires road
disturbance to cross the centerline, then a full-width patch is required.

3. All lots and structures within the plat are subject to all the R-1 zoning standards.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Oct. 7, 2019.

____________________________
Brad Wiersum, Mayor

Attest:

____________________________
Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption:  
Seconded by:  
Voted in favor of:  
Voted against:  
Abstained:  
Absent:  
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on Oct. 7, 2019.

____________________________
Becky Koosman, City Clerk
City Council Agenda Item #10D  
Meeting of Oct. 7, 2019

Brief Description: Donation of paper to Hopkins, Minnetonka and Wayzata school districts

Recommended Action: Authorize the donation

Background

The city council is being asked to authorize the donation of paper to Hopkins, Minnetonka and Wayzata school districts. This paper is in excess due to the reduction in square footage from the city hall remodel.

Each school district will receive an estimated amount of 60 reams of paper. This will include a variety of colored and cardstock paper. A single ream estimates to cost between $4.96-$16.28 depending on the color and type.

State law allows the city to transfer personal property for nominal or zero consideration to another public corporation for public use when authorized by the governing body. Minn. Stat. 471.85. Transfer to another government entity may be used for any type of surplus property, regardless of estimated value. Finance Policy 5.5

Recommendation

Staff recommends that the city council authorize the donation of paper to Hopkins, Minnetonka and Wayzata school districts.

Submitted through:  
  Mike Funk, Assistant City Manager

Originated by:  
  Moranda Dammann, Administration Manager
Brief Description: Resolution appointing election judges and absentee ballot board for the Nov. 5, 2019 Municipal General Election

Recommended Action: Adopt the resolution

Background

The city council is being asked to consider a resolution appointing election judges and the absentee ballot board for the Nov. 5, 2019 Municipal General Election.

Council is asked to approve the eligible election judges listed in the resolution. From this list, staff will make assignments to ensure the required party balance. These election judges will be used to staff polling places, assist with absentee voting and help with the absentee ballot board. Most polling places will be staffed with 5-6 election judges. The resolution also gives the city clerk authority to appoint emergency election judges to fill vacancies that may occur at the last minute.

In accordance with the approved 2019 budget, student election judges will be paid $10/hour, election judges will be paid $10.75/hour, assistant lead judges will be paid $11.25/hour and lead judges will receive $11.75/hour.

There has been two polling place changes from 2018. Ward 2 Precinct D voters will return to voting at Ridgedale Hennepin County Library as construction is completed, 12601 Ridgedale Dr. Ward 4 Precinct C voters who previously voted at Scenic Heights Elementary School will vote at Bethlehem Lutheran Church Glen Lake, 5701 Eden Prairie Rd.

Notices were sent in July and a second notice will be sent this week.

Recommendation

Staff recommends that the city council adopt the resolution appointing the election judges for the Nov. 7, 2019 Municipal General Election.

Submitted through:
  Mike Funk, Assistant City Manager

Originated by:
  Moranda Dammann, Administration Manager
Resolution No. 2019-

Resolution appointing election judges for the Nov. 5, 2019, Municipal General Election

Be it resolved by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

1.01. The Municipal General Election will be held on Nov. 5, 2019. The City Council is required by law to appoint election judges to serve at the polling places on Election Day.

1.02. Voting will occur at all 23 precincts in the city. Election judges will serve at the polling places and assist with absentee ballot processing.

Section 2. Council Action.

2.01. The City Council hereby authorizes the city clerk to select from the attached list of individuals to serve as election judges for the Nov. 5, 2019 Municipal General Election and as the city’s absentee ballot board.

2.02. The City Council also appoints all members appointed to the Hennepin County Absentee Ballot Board as authorized under M.S. 204B.21, subd 2 under the direction of the county election manager to serve as members of the Minnetonka Absentee Ballot Board.

2.03. The City Council also authorizes the city clerk to make emergency appointments of election judges to fill last-minute vacancies.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 7, 2019.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk
Action on this resolution:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on .

______________________________
Becky Koosman, City Clerk
Judge Board Report, 2019 Municipal Election

General Election, Tuesday, November 5, 2019

Absentee
Absentee, 14600 Minnetonka Blvd, Minnetonka, MN 55345
Susan Elizabeth Abrahamson, Absentee Judge
Shari Anderson, Absentee Judge
Bonnie Rae Carlson, Absentee Judge
Lynn Alison Cerra, Absentee Judge
Linda M Eliason, Absentee Judge
Steve W Eliason, Absentee Judge
Clifford G Giese, Absentee Judge
Margaret Hancock, Absentee Judge
Teresa L Landberg, Absentee Judge
Maynard Francis Stucki, Absentee Judge

Alternate
Alison Lee Albrecht, Alternate Judge
Carol B Andruskiewicz, Alternate Judge
Elaine Elizabeth Clyborne Barber, Alternate Judge
Dyanne Marye Bauer, Alternate Judge
Stephen Leonard Bauman, Alternate Judge
Zoe Elizabeth Rose Beck, Alternate Judge
Judy Lynne Behr, Alternate Judge
Christopher J Carlson, Alternate Judge
Clara A Carlson, Alternate Judge
Nancy Quay Crist, Alternate Judge
Kathleen A Dixon, Alternate Judge
Gayle Jean Dreon, Alternate Judge
Nancy L Gooch, Alternate Judge
Angela Kathleen Griffin, Alternate Judge
Joseph Phillip Hodge, Alternate Judge
Jay Hoffman, Alternate Judge
Penny Natalie King, Alternate Judge
Karin Louise Larson, Alternate Judge
Lorene Janet Lehmann, Alternate Judge
Mary Kathleen Lund, Alternate Judge
Martha Jean Mason, Alternate Judge
Lenore Miller, Alternate Judge
Danna Heilicher Mirviss, Alternate Judge
Katherine W Nelson, Alternate Judge
Mary Patricia Noonan, Alternate Judge
Berendina Marleen Numan, Alternate Judge
Mary Louise O Brien, Alternate Judge
Carol A Olson, Alternate Judge
Johanna Addison Olson, Alternate Judge
Patricia L Rodney, Alternate Judge
Jessica Jasper Rush, Alternate Judge
Naomi G Stock, Alternate Judge
Jane B Stowers, Alternate Judge
Steven R Suppan, Alternate Judge
Michael Roy Thingvold, Alternate Judge
Char B Thomasson, Alternate Judge
Clay Alexander Young, Alternate Judge
Jacqueline A Zimmerman, Alternate Judge
Robert Leonard Zimmerman, Alternate Judge

Minnetonka W-1 P-A
Immaculate Heart of Mary Catholic Church, 13505 Excelsior Blvd, Minnetonka, MN 55345
Diane Roselyn Anderson, Election Judge
Beth Renee Flynn, Election Judge
Kathleen Louise Fredensborg, Election Judge
Carl A Klein, Election Judge
Frances B Kokesh, Election Judge
Thomas Lynn Scott, Election Judge
Steven J Rabens, Lead Judge
Sally Elizabeth Berg, Assistant Lead Judge
Lindsay Okindo, Student Election Judge

Minnetonka W-1 P-B
Old Apostolic Lutheran Church, 5617 Rowland Rd, Minnetonka, MN 55343
Najma Adan, Election Judge
Paul H Dietz, Election Judge
Barbara Michele Epstein, Election Judge
Neil Lowell Friedman, Election Judge
Tracy Lynn Ingham, Election Judge
Rosemary E Johnson, Election Judge
Robert H Rabinovitz, Election Judge
Hugh David Allan, Lead Judge
Margaret E Snoke, Assistant Lead Judge

Minnetonka W-1 P-C
Cross Of Glory Baptist Church, 4600 Shady Oak Rd, Minnetonka, MN 55343
Sandra Kay Brandt, Election Judge
Irma M Coleman, Election Judge
Marian Susan Michael, Election Judge
Christopher Glen Olson, Election Judge
Linda L Peine, Election Judge
Charlotte Marie Polad, Election Judge
Michael Sandler, Election Judge
Bonnie Rae Carlson, Lead Judge
Donna A Kamm, Assistant Lead Judge
Sophie Norman, Student Election Judge
Maya Rice, Student Election Judge

Minnetonka W-1 P-D
Destiny Hill Church, 13207 Lake St Extension, Minnetonka, MN 55305
Ronald E Berg, Election Judge
Amy Wolff Gunby, Election Judge
Susan P Hocker, Election Judge
Jeffrey P Levine, Election Judge
Saralee D Mogilner, Election Judge
Barbara Ann Ross, Election Judge
Elizabeth Frances Otey, Lead Judge
Ruby H Berg, Assistant Lead Judge
Skyler Seets, Student Election Judge

Minnetonka W-1 P-E
Bet Shalom Congregation, 13613 Orchard Rd, Minnetonka, MN 55305
Sybel Jean Boardman, Election Judge
Bernard G Devine, Election Judge
Mary M Duske, Election Judge
Denise S Maxwell, Election Judge
Michael Anthony Mitchell, Election Judge
David Milton Olson, Election Judge
Laura Edith Walters, Election Judge
Mark Gerald Brown, Lead Judge
Ray R Lewis, Assistant Lead Judge
Adam Rothman, Student Election Judge

Minnetonka W-1 P-F
Minnetonka Community Center (1F), 14600 Minnetonka Blvd, Minnetonka, MN 55345
Diana Marie Braun, Election Judge
Bonnie Mae Burton, Election Judge
Steven R Fuller, Election Judge
Thomas Barr Hardin, Election Judge
Roger Edmunds Michael, Election Judge
Gail A Podany, Election Judge
Lu K Bjornoy, Lead Judge
Clifford G Giese, Assistant Lead Judge
Zoe Rice, Student Election Judge

Minnetonka W-2 P-A
Minnetonka Community Center (2A), 14600 Minnetonka Blvd, Minnetonka, MN 55345
Jean C Anderson, Election Judge
Briana Renee-Kitt Bers, Election Judge
Susan Rae Garnett, Election Judge
Newell John Nessen, Election Judge
Andrea Katherine Johnson, Election Judge
Ellie Solberg, Election Judge
Linda M Eliason, Lead Judge
Tom Stanley Marshall, Assistant Lead Judge

**Minnetonka W-2 P-B**
St David's Episcopal Church, 13000 St David's Rd, Minnetonka, MN 55345
Marci J Anderson, Election Judge
Sharon Angela Azan, Election Judge
Lynn Alison Cerra, Election Judge
Mary Lee Jenkins, Election Judge
Courtney A Johnson, Election Judge
Richard Samuel Strimling, Election Judge
Nancy Ann Blume, Lead Judge
Rekiyak Agboola, Student Election Judge

**Minnetonka W-2 P-C**
Oak Knoll Lutheran Church, 600 Hopkins Crossroad, Minnetonka, MN 55305
Mary Ann Anderson, Election Judge
Cynthia Louise Devore, Election Judge
Mary W Gorman, Election Judge
Gayle E Kline, Election Judge
Diane Marie Sewall, Election Judge
Lynn A Walker, Election Judge
Lorie Leigh Wasgatt, Election Judge
Isabelle C Robinson, Lead Judge
David P Allen, Assistant Lead Judge
Shadiyo Abdi, Student Election Judge

**Minnetonka W-2 P-D**
Ridgedale Hennepin County Library, 12601 Ridgedale Dr, Minnetonka, MN 55305
Neil M Belkin, Election Judge
Tony Paul Biskupski, Election Judge
Stephanie Michelle Brust, Election Judge
Elizabeth Nancy Goldwyn, Election Judge
Mark Judson Moller, Election Judge
Michael J Kalscheuer, Election Judge
Michele Elise Picard, Election Judge
Leda Baker, Lead Judge
Kathleen Judy Clouse, Assistant Lead Judge
Holly Den Hartog, Student Election Judge

**Minnetonka W-2 P-E**
Lindbergh Center, 2400 Lindbergh Dr, Minnetonka, MN 55305
Ernest James Denzer, Election Judge
Pamela Andersen Oconnell, Election Judge
Marilyn Harriet Olstein, Election Judge
Robert Powers, Election Judge
Larry Charles Sharpe, Election Judge
Ashley Nicole Wyatt, Election Judge
Carolyn Marie Fackler, Lead Judge
Maynard Francis Sticki, Assistant Lead Judge

**Minnetonka W-3 P-A**
Ridgepointe, 12600 Marion Ln W, Minnetonka, MN 55305
Penny Isabelle Bryce, Election Judge
Carol Ann Fredrickson, Election Judge
Mary A Lee, Election Judge
Mary Ann Lisk, Election Judge
Deborah Ann Shields, Election Judge
Catherine L Goset, Lead Judge
Annquannevtie Viene Terri Garner, Assistant Lead Judge
Muna Musse, Student Election Judge

**Minnetonka W-3 P-B**
Brookdale Minnetonka Carlson Parkway, 500 Carlson Pkwy, Minnetonka, MN 55305
Arnold Dean Courneya, Election Judge
Judith A Houston, Election Judge
Teresa L Landberg, Election Judge
James M Rosenbaum, Election Judge
Barbara Jean Schmitt, Election Judge
Nancy E Sommer, Election Judge
Carol G Weiler, Election Judge
Rita Carol Blackstad, Lead Judge
Joy Anita Baker, Assistant Lead Judge
Minnetonka W-3 P-C
Minnetonka Community Center (3C), 14600 Minnetonka Blvd, Minnetonka, MN 55345
Mark Glen Dillon, Election Judge
Joanne Elizabeth Jacobsen, Election Judge
Lorraine A Kretchman, Election Judge
Brenda Joyce Rhodes, Election Judge
Will Murphy Vossberg, Election Judge
Hannah L Worrell, Lead Judge
Loren J Simer, Assistant Lead Judge

Minnetonka W-3 P-D
St Lukes Presbyterian Church, 3121 Groveland School Rd, Wayzata, MN 55391
David Roger Dales, Election Judge
Patricia Ann Gabler, Election Judge
Steven Warren Harrom, Election Judge
Mark Pochardt, Election Judge
Patricia Johnson Qvale, Election Judge
Lynn Nelson Staloch, Election Judge
Mark Alfred Willette, Election Judge
Jeffrey J McCullough, Lead Judge
Richard Evert Hjerpe, Assistant Lead Judge
Ellen White, Student Election Judge

Minnetonka W-3 P-E
Bethlehem Lutheran Church, 16023 Minnetonka Blvd, Minnetonka, MN 55345
Peggy Sue-Nordseth Carlson, Election Judge
Daryl P Clark, Election Judge
Cynthia L Courneya, Election Judge
Larry James Klingbeil, Election Judge
Sharon P Levine, Election Judge
Jaimie S Robertson, Election Judge
Russel E Walzer, Election Judge
Bonnie I Cain, Lead Judge
Michelle Kay Ahrens, Assistant Lead Judge
Ciboney Reglos, Student Election Judge

Minnetonka W-3 P-F
Minnetonka United Methodist Church, 17611 Lake St Ext, Minnetonka, MN 55345
Sigvard M Birkeland, Election Judge
Mark Douglas Birnbaum, Election Judge
Sandra J Blackman, Election Judge
Nancy K Fencl, Election Judge
Melinda A Kohrt, Election Judge
Nancy Jean Reesor, Election Judge
David Alexander Robertson, Election Judge
Julie Katherine Timmer, Election Judge
Linda Rasula, Lead Judge
Jeffry L Roehl, Assistant Lead Judge
Mallory Auth, Student Election Judge

Minnetonka W-4 P-A
Ridgewood Church, 4420 County Road 101, Minnetonka, MN 55345
Anab Abdullahi, Election Judge
Mary Elizabeth Amsden, Election Judge
Claudia Diane Gundlach, Election Judge
Robert Carl Lewis House, Election Judge
Brenda Lee Lanak, Election Judge
Judith Marie Melinat, Election Judge
Donald David Ogren, Election Judge
Geraldine S Simer, Election Judge
Jacqueline A Zimmerman, Election Judge
Teri Lynn Wold, Lead Judge
Joyce G Powell, Assistant Lead Judge
Samuel Pakawat Roehl, Student Election Judge

Minnetonka W-4 P-B
Minnetonka School District Service Center, 5621 County Road 101, Minnetonka, MN 55345
Lois A King, Election Judge
Kathleen A Mattsson, Election Judge
Ronald Collins Parker, Election Judge
Jane C Schmitt, Election Judge
Stephanie Kok Ying So, Election Judge
Donald Elmer Swenson, Election Judge
Rebecca Twite, Election Judge
Linda P Wilson, Election Judge
Geraldine W Zachmann, Election Judge
Daniel Edward Schowengerdt, Lead Judge
Ronnie J Melinat, Assistant Lead Judge

Minnetonka W-4 P-C
Bethlehem Lutheran Church Glen Lake, 5701 Eden Prairie Rd, Minnetonka, MN 55345
  Jeanette Kay Anderson, Election Judge
  Mary Lucile Gorczyki, Election Judge
  Anne Margaret Hanson, Election Judge
  Russel Herbert Holland, Election Judge
  Sandra Kay Jambeck, Election Judge
  Clare E Luxford, Election Judge
  Mark David Werley, Election Judge
  Mei Wieland, Election Judge
  Linda Louise Zimmerman, Election Judge
  Shari Anderson, Lead Judge
  Monette Janece Kollodge, Assistant Lead Judge

Minnetonka W-4 P-D
Redeemer Bible Church, 16205 State Hwy 7, Minnetonka, MN 55345
  Beverly Ann Baker, Election Judge
  Diane A McGrath, Election Judge
  Barbara Ann O'Keefe, Election Judge
  Patricia Ann Ode, Election Judge
  Jacqueline Ann Olafson, Election Judge
  Mary Sue Thompson, Election Judge
  Mary H Traynham, Election Judge
  Reo Deann Uran, Election Judge
  John A Opsahl, Lead Judge
  Katherine DeLoach Rogers, Assistant Lead Judge
  Joseph Ramlet, Student Election Judge

Minnetonka W-4 P-E
All Saints Lutheran Church, 15915 Excelsior Blvd, Minnetonka, MN 55345
  Michael K Brandt, Election Judge
  Kenneth William Brinkman, Election Judge
  Patricia M Hollister, Election Judge
  Sally J Wahlberg, Election Judge
  Charlotte Louise Wilmot, Election Judge
  Steven Craig Zelinsky, Election Judge
  Diana Lynn Benjamin, Lead Judge
  Stanley Michael Berris, Assistant Lead Judge

Minnetonka W-4 P-F
The Glenn, 5300 Woodhill Rd, Minnetonka, MN 55345
  Donald Brown, Election Judge
  Alice Marie Cronk, Election Judge
  Donald Dean Hoekstra, Election Judge
  Emelie M Johnson, Election Judge
  Florence Jeanne Lutgen, Election Judge
  Marilyn Brown Rosenbaum, Election Judge
  Roberta Louise Seefeldt, Election Judge
  Jeffry A Dickhut, Lead Judge
  Jean A Rabens, Assistant Lead Judge

Ward Captains
  Steve W Eliason, Ward Captain
  Margaret Hancock, Ward Captain
  Jeffrey L Persighl, Ward Captain
  Timothy James Worrell, Ward Captain
Brief Description: Resolution adopting the 2020 meeting schedule for the Minnetonka City Council

Recommended Action: Adopt the resolution

Background

Section 3.01 of the Minnetonka City Charter provides that the city council will meet at the times established by ordinance or resolution. To comply with this requirement, the city council is being asked to adopt a resolution to establish their 2020 meeting schedule.

Staff proposes that the city council establish only its meeting dates by resolution. An overall city calendar is provided to show other significant dates and meetings of boards and commissions. The calendar would not be adopted by the city council.

The resolution establishes regular council meetings no less than every three weeks throughout the year, with two week intervals during those periods in which more business is typically transacted, such as the construction planning cycle.

Recommendation

Based on the foregoing information, staff recommends that the city council adopt a resolution establishing its 2020 meeting schedule.

Submitted through:
   Mike Funk, Assistant City Manager

Originated by:
   Moranda Dammann, Administration Manager
Resolution No. 2019-

Resolution adopting the 2020 Minnetonka City Council Meeting Schedule

Be it resolved by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.
1.01. Section 3.01 of the City Charter states that the city council will meet at the times each month established by ordinance or resolution.

Section 2. Council Action.
2.01. The Minnetonka City Council establishes the following meeting schedule for 2020:
   A. Regular city council meetings will be held twice each month in January, February, March, April, May, June, July, August, October, November and December.
   B. One regular council meeting will be held in the month of September.
   C. One study session will also be held in January, February, March, April, May, June, August, September, October and November.
   D. There will be a joint meeting with the Park Board in November.
   E. A list of regular council meetings and study sessions for the year 2020 is attached.

2.02 If the city council is unable to meet on the dates indicated, or additional meetings are needed, a special notice will be given as provided by law.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 7, 2019.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on .

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Becky Koosman, City Clerk
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<td>Council Study Session 6:30 p.m.</td>
<td>Citizen Academy 6:30 p.m.</td>
<td>Park Board 7 p.m.</td>
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Hopkins School District Spring Break: March 30- April 3
Minnetonka School District Spring Break: March 30- April 3
Wayzata School District Spring Break: March 26- April 3
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City Council Agenda Item #13A  
Meeting of Oct. 7, 2019

**Brief Description**
Temporary on-sale liquor license for ICA Food Shelf, for use at 14600 Minnetonka Boulevard

**Recommendation**
Hold the public hearing and grant the license

**Background**

The city has received an application for a temporary on-sale liquor license from ICA Food Shelf to host a fundraiser event “The Great Taste” to be held on Thursday, Oct. 24, 2019, at the Minnetonka Community Center at 14600 Minnetonka Blvd. The event will begin at 5:00 p.m. ending at 10:00 p.m. The event will include food tastings from local restaurants, complimentary wine, locally brewed beer, silent/live auctions, and guest speakers. The event will be open to anyone who has purchased a ticket. ICA Food Shelf will have staff members checking identification from guests, and provide wristbands to everyone over age 21. The community center also requires that a police officer be on-duty.

City liquor ordinances allow temporary on-sale liquor licenses to be issued to clubs and other charitable, religious, or not-for-profit organizations, subject to application, public hearing, and approval by the city council. ICA Food Shelf has completed the license application, paid the application fee, and provided proof of insurance. ICA Food Shelf serves more than 800 families each month to local residents. They are a non-profit organization and are therefore eligible for a temporary liquor license.

Staff does not anticipate any difficulties in connection with serving alcohol at the event and did not experience any issues with previous events hosted by the ICA Food Shelf.

**Recommendation**

Staff recommends the council hold the public hearing and grant the license.

Submitted through:
  Mike Funk, Assistant City Manager
  Julie Wischnack, AICP, Community Development Director

Originated by:
  Fiona Golden, Community Development Coordinator
THE great TASTE

Presented by Alerus

An evening of great tastes celebrating ICA’s deep roots in our community

Thursday, October 24 | 5:00 p.m.
Minnetonka Community Center

Tastes from
BLVD Kitchen & Bar, Crossroads Delicatessen, Famous Dave’s, Finnegans Brew Co.,
Glen Lake Wine and Spirits, Gold Nugget, Joey Nova’s, Kowalski’s, Lone Spur Grill
and Bar, Lunds & Byerlys, Nothing Bundt Cakes, and Unmapped Brewing Co.

Dinner Restaurants
6Smith, Bacio, Birch’s on the Lake, BLVD Kitchen & Bar, Campiello,
Cast & Cru, Coalition, Hazellewood Grill and Tap Room, Jimmy’s Kitchen
and Bar, Maynards, Red Sauce Rebellion, Redstone, and Thirty Bales

Sponsored by
Alerus, Doran Companies, Marks Group Wealth Management,
Excelsior Rotary, Acowsay Cinema, Peyton Family Foundation,
Lakewinds Co-op, Minikahda Mini Storage, GEM Family Foundation,
TCF Bank, Fairview, Anagram, and Artful Living

Tickets available at icataste.org
City Council Agenda Item #13B
Meeting of Oct. 7, 2019

Brief Description
Items related to the Cloud 9 Condominium’s Housing Improvement Area

Recommendation
1) Adopt a resolution approving an amended housing improvement fee for the Cloud 9 Sky Flats Housing Improvement Area

2) Adopt a resolution approving the second amendment to the development agreement with respect to the Cloud 9 Sky Flats Housing Improvement Area.

3) Adopt a resolution providing for the sale of Housing Improvement Bonds in the amount of $3,055,000

Background

In 2011, the city council adopted a policy establishing criteria that guide the consideration of a Housing Improvement Area (HIA) in the city. A Housing Improvement Area, authorized under Minnesota Statutes Chapter 428A, allows cities to help arrange and finance rehabilitation for common areas of owner-occupied residential buildings, such as condominiums or townhouses. An HIA is a defined area where private housing improvements are made and where costs associated with the improvements are paid for by fees imposed on property owners. Within an HIA, the city has the authority to finance housing improvements through levying fees and assessments and may issue bonds to pay for those improvements.

On Aug. 28, 2017, the city council held a public hearing, adopted an ordinance establishing the Cloud 9 Sky Flats Housing Improvement Area, adopted a resolution establishing the housing improvement fee, and adopted a resolution approving a development agreement.

In April 2018, the city council adopted an amended resolution and approved the first amendment to the development agreement to extend the prepayment period from April 12, 2018, to June 30, 2019, and extend the due date of the first payment from 2019 to 2020.

Cloud 9 Condominiums Project

Cloud 9 completed its rehabilitation project in summer 2019, and the project costs were lower than anticipated. This is primarily due to the reduction in the scope of work related to HVAC following the curtain wall installation. The initial estimated project cost was $3,930,000, and the final project cost is approximately $3,282,300. The estimated cost reduction to homeowners is $2,000 to $6,000 depending on the size of the unit.
The chart below depicts the following revised scope of work:

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<thead>
<tr>
<th>Project</th>
<th>Work to be done</th>
<th>Initial estimated project costs</th>
<th>Final project costs</th>
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<tbody>
<tr>
<td>Curtain Wall Repairs</td>
<td>Curtain wall repairs, perimeter seal repairs, window replacement</td>
<td>$2,110,000</td>
<td>$2,000,548.10</td>
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<tr>
<td>HVAC Repairs</td>
<td>Ductwork damper repairs/improvements, system balancing</td>
<td>$100,000</td>
<td>$1,700</td>
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<td>Elevator Upgrades</td>
<td>4 elevators in need of upgrades</td>
<td>$925,000</td>
<td>$845,387.50</td>
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<td>Related Costs</td>
<td>Engineering fees, construction, contingency</td>
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<td>Other Costs</td>
<td>HIA Consultant, Construction Financing, Fees</td>
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<td>$377,776.77</td>
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<td><strong>$3,930,000</strong></td>
<td><strong>$3,282,300</strong></td>
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The association is now requesting that the city council adopt a new fee resolution and second amendment to the development agreement. The adoption of a new fee resolution is required by state law to finalize the project costs and housing improvement fees. The second amendment to the development agreement includes the proposed language:

- establishes the final project costs of $3,282,300 and proposed interest rate at 3.35%;
- establishes a new pre-payment window of Oct. 7, 2019, through Nov. 7, 2019;
- adds language to refund owners who previously prepaid the higher estimated housing improvement fee;
- extends the Hennepin County certification date to 2020.

**Financing:**

Cloud 9 obtained a construction loan to finance the housing improvements, and the city agreed to issue taxable general obligation bonds to pay off the construction loan following the completion of the project. The taxable bonds will have a term of 21 years (20 years of principal payments) with an interest rate of approximately 3.35%. The city will repay the bonds through the collection of housing improvement fees, collected in a similar manner to special assessments. The fee includes ongoing administration, legal and consultant costs in connection with the Housing Improvement Area, including costs related to financing or issuance of the bonds.

**Revised Project Timeline**

The proposed timeline is as follows:
- Oct. 7, 2019, through Nov. 7, 2019: prepayment option available to homeowners
- Nov. 18, 2019: city council meeting to award bond sale
- Nov. 30, 2019: certify housing fees with Hennepin County
- Dec. 5, 2020: estimated closing date for bonds
Recommendation

Staff recommends that the city council:

1) Adopt a resolution approving an amended housing improvement fee for the Cloud 9 Sky Flats Housing Improvement Area

2) Adopt a resolution approving the second amendment to the development agreement with respect to the Cloud 9 Sky Flats Housing Improvement Area.

3) Adopt a resolution providing for the sale of Housing Improvement Bonds in the amount of $3,055,000

Submitted through:
   Mike Funk, Assistant City Manager
   Julie Wischnack, AICP, Community Development Director
   Darin Nelson, Finance Director

Originated by:
   Alisha Gray, EDFP, Economic Development and Housing Manager

Attachments
   • Location Map
   • Second Amendment to the Development Agreement
   • Public Hearing Notice/Letter to Residents
   • Bond Presale Report

Supplemental Information

April 2, 2018 – City Council Meeting
Aug. 28, 2017 – City Council Meeting
Feb. 27, 2017 – City Council Meeting
March 16, 2017 – EDAC Meeting
SECOND AMENDMENT TO DEVELOPMENT AGREEMENT

between

CITY OF MINNETONKA, MINNESOTA

and

CLOUD 9 SKY FLATS ASSOCIATION, INC.

Dated October ___, 2019

This document was drafted by:
KENNEDY & GRAVEN, Chartered (JAE)
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, Minnesota  55402
Telephone:  (612) 337-9300
SECOND AMENDMENT TO DEVELOPMENT AGREEMENT

THIS SECOND AMENDMENT TO DEVELOPMENT AGREEMENT, is made on or as of October ___, 2019 (the “Second Amendment to Agreement”), between the CITY OF MINNETONKA, MINNESOTA, a home rule city, municipal corporation, and political subdivision duly organized and existing under its Charter and the Constitution and laws of the State of Minnesota (the “City”), and CLOUD 9 SKY FLATS ASSOCIATION, INC., a Minnesota nonprofit corporation (the “Association”). This Second Amendment to Agreement amends the Development Agreement, dated August 31, 2017, as amended by the First Amendment to Development Agreement, dated April 2, 2018 (together, the “Original Agreement”), between the City and the Association. All capitalized terms that are not otherwise defined herein shall have the meaning given such terms in the Original Agreement.

WITNESSETH:

WHEREAS, the City is authorized under Minnesota Statutes, Chapter 428A, Sections 11 through 21, as amended (the “Act”), to establish by ordinance a housing improvement area within which housing improvements are made or constructed and the costs of the improvements are paid in whole or in part from fees imposed within the area; and

WHEREAS, by Ordinance No. 2017-09, adopted on August 28, 2017 (the “Enabling Ordinance”), the Council established the Cloud 9 Sky Flats Housing Improvement Area in order to facilitate certain improvements to property known as the Cloud 9 Sky Flats, which property is legally described in SCHEDULE A attached hereto and is hereafter referred to as the “Property”; and

WHEREAS, by Resolution No. 2017-090, adopted on August 28, 2017, as amended by Resolution No. 2018-038 adopted April 2, 2018 (together, the “Original Fee Resolution”), the City Council imposed a housing improvement fee (the “Fee”) on Housing Units in the Cloud 9 Sky Flats Housing Improvement Area (the “Housing Improvement Area”) in order to finance certain housing improvements in that area; and

WHEREAS, prior to adoption of the Original Fee Resolution by the City Council, the Association submitted to the City a financial plan in accordance with the Act that provides for the Association to finance maintenance and operation of the common elements in the Association and a long-range plan to conduct and finance capital improvements therein; and

WHEREAS, the City and the Association entered into the Original Agreement in order to set forth all of the requirements with respect to the Association’s Housing Improvements within the Housing Improvement Area and the City’s financial assistance for the Housing Improvements; and

WHEREAS, by Resolution No. 2019-___, adopted on October 7, 2019 (the “Amended Fee Resolution”), the City Council amended the Original Fee Resolution in order to extend the prepayment period to November 7, 2019, amend the description of the Housing Improvements and subsequently reduce the Fee per Housing Unit, and allow for the reimbursement to owners who prepaid their Fees based on the reduction in Fee per Housing Unit; and

WHEREAS, the City and the Association are entering into this Second Amendment to Agreement, which amends and supplements the Original Agreement, to modify certain provisions of the Original Agreement.

NOW, THEREFORE, in consideration of the mutual obligations of the parties hereto, each of them does hereby covenant and agree with the other as follows:
ARTICLE I

Amendments

Section 1.1. Amendments to Section 1.1 “Definitions.”

(a) Section 1.1 of the Original Agreement is revised to include the following definitions:

“Agreement” means the Original Agreement, as amended by the First Amendment, as further amended by the Second Amendment, and as the same may be from time to time further modified, amended, or supplemented.


“Payment Date” means when principal of or interest on the City Obligation is due, which is currently expected to be each February 1 and August 1, commencing ____________, 20___, and continuing through the Maturity Date.

(b) Section 1.1 of the Original Agreement is revised to include following definition:

“Second Amendment” means the Second Amendment to Development Agreement, dated October ___, 2019, between the City and the Association.

Section 1.3. Prepayments of Housing Improvement Fees. Pursuant to the original Fee Resolution adopted on August 28, 2017, owners of each Housing Unit were provided the amount of the Fee due for their Housing Unit and given until April 2, 2018 to prepay the Fee. The Fee Resolution was amended on April 2, 2018 to allow owners of each Housing Unit to prepay the Fee until June 30, 2019. During the prepayment period and after the prepayment period, the Association determined to decrease the scope of the Housing Improvements completed by the Association, which resulted in lower Fees for each Housing Unit. The City intends to reimburse owners who prepaid their Fees on or prior to June 30, 2019, based on the reduction in Fee per Housing Unit. The owners of Housing Units will be required to claim a reimbursement by providing evidence that they paid the Fee on or prior to June 30, 2019. The City shall send a letter to all owners who prepaid their Fee providing direction on how to obtain reimbursement.

Section 1.4. Amendments Exhibits. The Housing Improvements described in Schedule B (Housing Improvements) attached to the Original Agreement are hereby deleted and replaced with the Housing improvements listed in SCHEDULE B attached hereto.

ARTICLE II

Miscellaneous

Section 2.1. Definitions. Any capitalized terms used herein but not otherwise defined shall have the meanings assigned to such terms in the Original Agreement. Any references to the “Agreement” or
“this Agreement” in the Original Agreement shall refer to the Original Agreement, as amended and supplemented by this Second Amendment to Agreement, and as may be further amended and supplemented.

Section 2.2. Effective Date. The amendments and supplements made to the Original Agreement, as amended and supplemented by this Second Amendment to Agreement shall be effective as of October ___, 2019.

Section 2.3. Confirmation of Agreement. Except as specifically amended by this Second Amendment to Agreement, the Original Agreement is hereby ratified and confirmed and remains in full force and effect.
IN WITNESS WHEREOF, the City and the Association have caused this Second Amendment to Development Agreement to be executed in their respective names and behalf as of the date and year first written above.

CITY OF MINNETONKA, MINNESOTA

By ____________________________________________
Its Mayor

By ____________________________________________
Its City Manager

STATE OF MINNESOTA  )
COUNTY OF HENNEPIN  )

The foregoing instrument was acknowledged before me this _____ day of October, 2019, by Brad Wiersum, the Mayor of the City of Minnetonka, Minnesota, a home rule city, municipal corporation, and political subdivision duly organized and existing under its Charter and the Constitution and laws of the State of Minnesota, on behalf of the City.

____________________________________
Notary Public

STATE OF MINNESOTA  )
COUNTY OF HENNEPIN  )

The foregoing instrument was acknowledged before me this _____ day of October, 2019, by Geralyn Barone, the City Manager of the City of Minnetonka, Minnesota, a home rule city, municipal corporation, and political subdivision duly organized and existing under its Charter and the Constitution and laws of the State of Minnesota, on behalf of the City.

____________________________________
Notary Public
Execution page of the Association to the Second Amendment to Development Agreement, dated as of the date and year first written above.

CLOUD 9 SKY FLATS ASSOCIATION, INC.

By ______________________________
Its ______________________________

STATE OF MINNESOTA )
COUNTY OF __________ ) SS.

The foregoing instrument was acknowledged before me this ____ day of October, 2019, by _______________________________________ the _______________ of Cloud 9 Sky Flats Association, Inc., a Minnesota nonprofit corporation, on behalf of the Association.

____________________________________
Notary Public
SCHEDULE A

DESCRIPTION OF PROPERTY

Parcel 1:

That Part of the East 665.0 feet of the South 673.6 feet of the North 690.1 feet of the Southeast ¼ of the Northeast ¼ of Section 36, Township 117 North, Range 22, West of the 5th Principal Meridian which lies westerly of the westerly line of County Highway No. 18 as described in final certificate No. 4757011, except that part taken for existing roads.

Parcel 2:

The North 16.5 feet of the West 542.0 feet of the East 632.0 feet of the Southeast ¼ of the Northeast ¼ of Section 36, Township 117 North, Range 22 West of the 5th Principal Meridian.
SCHEDULE B

HOUSING IMPROVEMENTS

**Housing Improvements**: The ordinance specifies the “Housing Improvements” that will be constructed in Cloud 9 Sky Flats Housing Improvement Area and financed with the Housing Improvement Fee. Those improvements are defined as follows:

- A complete renovation of the curtain wall exterior of the building
- Minor repairs to the heating, ventilating, and air conditioning (HVAC) systems of the building
- Upgrades to the elevator
- All costs of architectural and engineering services in connection with the activities described above
- All administration, legal and consultant costs in connection with the Housing Improvement Area, including without limitation all costs related to financing or issuance of the City Obligation, if any
NOTICE OF PUBLIC HEARING

CITY OF MINNETONKA
COUNTY OF HENNEPIN
STATE OF MINNESOTA

NOTICE OF PUBLIC HEARING
CLOUD 9 SKY FLATS HOUSING IMPROVEMENT AREA

NOTICE IS HEREBY GIVEN that the City Council of the City of Minnetonka, Hennepin County, State of Minnesota (the “City”), will hold a public hearing on Monday, Oct. 7, 2019, at or after 6:30 P.M. in the City Council Chambers in City Hall, 14600 Minnetonka Blvd in the City, regarding the adoption of an amended resolution imposing fees on housing units within the HIA, all under Minnesota Statutes, Sections 428A.11 through 428A.21, as amended (the "Housing Improvement Act"). The amendments to the resolution include an extended prepayment period and a change to the first year the installment payments are due.

The boundaries of the proposed HIA are shown in the map below. Within the HIA, the City proposes to facilitate various improvements to the Cloud 9 Sky Flats. The improvements would be financed by fees imposed on the owners of units. Details regarding the hearing, the improvements and the fees are described below:

1. Persons to be heard: All interested persons and persons owning housing units in the proposed HIA subject to the fee for housing improvements will be given an opportunity to be heard at the hearing regarding the proposed HIA and the housing improvement fee.
2. Proposed Housing Improvements:
   - A complete renovation of the curtain wall exterior of the building
   - Minor repairs to the heating, ventilating, and air conditioning (HVAC) systems of the building
   - Upgrades to the elevators

3. Estimated Cost of Improvements to be paid in whole or in part by housing improvement fee: $3,282,300 including construction costs, administrative costs, soft costs, costs of issuing bonds to finance the improvements, and capitalized interest.

4. Amount to be charged against the owner of each housing unit: The total costs are allocated based on the share of common costs that the owner of each unit pays under the Cloud 9 Sky Flats documents. Following are estimates of the fee to be imposed on housing units in the HIA:

   The Annual Fee includes interest at the rate of up to 3.35% per annum (the proposed maximum interest rate), and is payable if the unit owner does not prepay the Total Fee as described below.

<table>
<thead>
<tr>
<th>Unit #</th>
<th>Share</th>
<th>Total Fee</th>
<th>Annual Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>101</td>
<td>0.5783%</td>
<td>$18,981.50</td>
<td>$1,393.37</td>
</tr>
<tr>
<td>103</td>
<td>0.5458%</td>
<td>$17,914.75</td>
<td>$1,315.63</td>
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<td>$1,371.84</td>
</tr>
<tr>
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<td>0.5687%</td>
<td>$18,666.40</td>
<td>$1,370.41</td>
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<td>$1,632.82</td>
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<td>0.5357%</td>
<td>$17,583.24</td>
<td>$1,291.47</td>
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<td>$18,702.51</td>
<td>$1,373.04</td>
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<tr>
<td>204</td>
<td>0.7892%</td>
<td>$25,903.87</td>
<td>$1,897.87</td>
</tr>
<tr>
<td>205</td>
<td>0.4084%</td>
<td>$13,404.87</td>
<td>$986.95</td>
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<tr>
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<tr>
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</tbody>
</table>
5. **Owner's right to prepay:** Housing unit owners may prepay the Total Fee in full on or before Nov. 7, 2019. *After Nov. 7, 2019, the fee may not be prepaid.* The Total Fee may only be prepaid in full and may not be prepaid in part.

6. **Number of years the fee will be in effect:** If owners do not prepay the Total Fee, the Annual Fee will be imposed in equal installments over a 20 year period. The first installment will be payable in 2020. The annual installments will be in the amount of the Annual Fee, described in paragraph 4 above.

7. **Compliance with Petition Requirement:** Owners of more than 60% of the housing units that would be subject to the proposed fee in the HIA, have filed a petition with the City Clerk requesting a public hearing on both the ordinance creating the HIA, and the proposed fee, in accordance with Section 428A.12 of the Housing Improvement Act and the City's housing assistance policy (the policy increases the required percentage from 50% to 60%).

For further information on the proposed HIA and housing improvement fee, contact Alisha Gray at City Hall, 952-939-8285.

Dated: Sept. 26, 2019

BY ORDER OF THE CITY COUNCIL
OF THE CITY OF MINNETONKA,
MINNESOTA

/s/ Becky Koosman
City Clerk
City of Minnetonka, Minnesota
October 7, 2019

Pre-Sale Report for

City of Minnetonka, Minnesota

$3,055,000 Taxable General Obligation Housing Improvement Bonds, Series 2019A

Prepared by:

Jason Aarsvold, CIPMA
Senior Municipal Advisor

Stacie Kvilvang, CIPMA
Senior Municipal Advisor
## Executive Summary of Proposed Debt

<table>
<thead>
<tr>
<th>Proposed Issue:</th>
<th>$3,055,000 Taxable General Obligation Housing Improvement Bonds, Series 2019A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purposes:</td>
<td>The proposed issue provides financing for housing improvements within the Cloud 9 Sky Flats Housing Improvement Area, including: Curtain wall repair, HVAC repairs, and elevator repairs. Debt service will be paid from housing improvement area fees.</td>
</tr>
</tbody>
</table>
| Authority:     | The Bonds are being issued pursuant to Minnesota Statutes, Chapters:  
|                |   • 428A  
|                |   • 475  
|                | The Bonds will be general obligations of the City for which its full faith, credit and taxing powers are pledged. |
| Term/Call Feature: | The Bonds are being issued for a term of 21 years (20 years of principal payments). Principal on the Bonds will be due on February 1 in the years 2021 through 2040. Interest is payable every six months beginning August 1, 2020.  
<p>|                | The Bonds will be subject to prepayment at the discretion of the City on February 1, 2029 or any date thereafter. |
| Bank Qualification: | Because the Bonds are taxable obligations they will not be designated as “bank qualified” obligations. |
| Rating:        | The City’s most recent bond issues were rated by Moody’s Investors Service. The current ratings on those bonds are “Aaa”. The City will request a new rating for the Bonds. |
| Basis for Recommendation: | Based on our knowledge of your situation, your objectives communicated to us, and the characteristics of various municipal financing options, we are recommending the issuance of taxable general obligation bonds as a suitable financing option. This is the most efficient and cost-effective option authorized under state law for this type of project and is in keeping with the City’s practices and policies. |</p>
<table>
<thead>
<tr>
<th>Method of Sale/Placement:</th>
<th>We will solicit competitive bids for the purchase of the Bonds from underwriters and banks. We will include an allowance for discount bidding in the terms of the issue. The discount is treated as an interest item and provides the underwriter with all or a portion of their compensation in the transaction. If the Bonds are purchased at a price greater than the minimum bid amount (maximum discount), the unused allowance may be used to reduce your borrowing amount.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Premium Pricing:</td>
<td>In some cases, investors in municipal bonds prefer “premium” pricing structures. A premium is achieved when the coupon for any maturity (the interest rate paid by the issuer) exceeds the yield to the investor, resulting in a price paid that is greater than the face value of the bonds. The sum of the amounts paid in excess of face value is considered “reoffering premium.” The underwriter of the bonds will retain a portion of this reoffering premium as their compensation (or “discount”) but will pay the remainder of the premium to the City. The amount of the premium varies, but it is not uncommon to see premiums for new issues in the range of 2.00% to 10.00% of the face amount of the issue. This means that an issuer with a $2,000,000 offering may receive bids that result in proceeds of $2,040,000 to $2,200,000. For this issue of Bonds we have been directed to use the net premium to reduce the size of the issue. The resulting adjustments may slightly change the true interest cost of the issue, either up or down. The amount of premium can be restricted in the bid specifications. Restrictions on premium may result in fewer bids, but may also eliminate large adjustments on the day of sale and unintended impacts with respect to debt service payment. Ehlers will identify appropriate premium restrictions for the Bonds intended to achieve the City’s objectives for this financing.</td>
</tr>
<tr>
<td>Review of Existing Debt:</td>
<td>We have reviewed all outstanding indebtedness for the City and find that there are no refunding opportunities at this time. We will continue to monitor the market and the call dates for the City’s outstanding debt and will alert you to any future refunding opportunities.</td>
</tr>
<tr>
<td>Continuing Disclosure:</td>
<td>Because the City has more than $10,000,000 in outstanding debt (including this issue) and this issue is over $1,000,000, the City will be agreeing to provide certain updated Annual Financial Information and its Audited Financial Statement annually, as well as providing notices of the occurrence of certain reportable events to the Municipal Securities Rulemaking Board (the “MSRB”), as required by rules of the Securities and Exchange Commission (SEC). The City is already obligated to provide such reports for its existing bonds, and contracts with another firm to provide these services.</td>
</tr>
<tr>
<td><strong>Arbitrage Monitoring:</strong></td>
<td>The Bonds are taxable obligations and are therefore not subject to IRS arbitrage and yield restriction requirements.</td>
</tr>
<tr>
<td>--------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Risk Factors:</strong></td>
<td><strong>Housing Improvement Area Fees:</strong> We have assumed pre-paid Housing Improvement Area fees in the amount of $227,300 and we have assumed that the remaining fees are levied as projected. If the City receives a significantly higher amount of pre-paid Housing Improvement Area fees or does not levy or collect the fees as anticipated, it may create a shortfall to pay annual debt service.</td>
</tr>
</tbody>
</table>
| **Other Service Providers:** | This debt issuance will require the engagement of other public finance service providers. This section identifies those other service providers, so Ehlers can coordinate their engagement on your behalf. Where you have previously used a particular firm to provide a service, we have assumed that you will continue that relationship. For services you have not previously required, we have identified a service provider. Fees charged by these service providers will be paid from proceeds of the obligation, unless you notify us that you wish to pay them from other sources. Our pre-sale bond sizing includes a good faith estimate of these fees, but the final fees may vary. If you have any questions pertaining to the identified service providers or their role, or if you would like to use a different service provider for any of the listed services please contact us.  
  **Bond Counsel:** Kennedy & Graven, Chartered  
  **Paying Agent:** Bond Trust Services Corporation  
  **Rating Agency:** Moody's Investors Service, Inc. |
| **Summary:** | The decisions to be made by the City Council are as follows:  
  * Accept or modify the finance assumptions described in this report  
  * Adopt the resolution attached to this report. |

This presale report summarizes our understanding of the City’s objectives for the structure and terms of this financing as of this date. As additional facts become known or capital markets conditions change, we may need to modify the structure and/or terms of this financing to achieve results consistent with the City’s objectives.
Proposed Debt Issuance Schedule

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>Pre-Sale Review by City Council:</td>
<td>October 7, 2019</td>
</tr>
<tr>
<td>Due Diligence Call to review Official Statement:</td>
<td>Week of October 21, 2019</td>
</tr>
<tr>
<td>Distribute Official Statement:</td>
<td>Week of October 28, 2019</td>
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<tr>
<td>Conference with Rating Agency:</td>
<td>Week of November 4, 2019</td>
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<tr>
<td>City Council Meeting to Award Sale of the Bonds:</td>
<td>November 18, 2019</td>
</tr>
<tr>
<td>Estimated Closing Date:</td>
<td>December 5, 2019</td>
</tr>
</tbody>
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Attachments
- Estimated Sources and Uses of Funds
- Estimated Proposed Debt Service Schedule
- Resolution Authorizing Ehlers to Proceed With Bond Sale

Ehlers Contacts
- Municipal Advisors: Jason Aarsvold (651) 697-8512, Stacie Kvivang (651) 697-8506
- Disclosure Coordinator: Jen Chapman (651) 697-8566
- Financial Analyst: Alicia Gage (651) 697-8551

The Preliminary Official Statement for this financing will be sent to the City Council at their home or email address for review prior to the sale date.
City of Minnetonka, Minnesota
$3,055,000 Taxable G.O. Housing Improvement Bonds, Series 2019A
20 Year - Level Debt Service
Assumes Current Market Taxable "AAA" Rates plus 25bps

Sources & Uses
Dated 12/05/2019 | Delivered 12/05/2019

<table>
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<tr>
<th>Sources Of Funds</th>
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<tr>
<td>Par Amount of Bonds</td>
<td>$3,055,000.00</td>
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<tr>
<td>Prepaid Assessments</td>
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<tr>
<td><strong>Total Sources</strong></td>
<td><strong>$3,282,300.00</strong></td>
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<table>
<thead>
<tr>
<th>Uses Of Funds</th>
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<tbody>
<tr>
<td>Total Underwriter’s Discount (1.200%)</td>
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<tr>
<td>Costs of Issuance</td>
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City of Minnetonka, Minnesota

$3,055,000 Taxable G.O. Housing Improvement Bonds, Series 2019A
20 Year - Level Debt Service
Assumes Current Market Taxable "AAA" Rates plus 25bps

Debt Service Schedule

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Yield Statistics

- Bond Year Dollars $35,645.22
- Average Life 11.668 Years
- Average Coupon 3.2471692%
- Net Interest Cost (NIC) 3.3500161%
- True Interest Cost (TIC) 3.3522581%
- Bond Yield for Arbitrage Purposes 3.2229929%
- All Inclusive Cost (AIC) 3.5322021%

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- Net Interest Cost 3.2471692%
- Weighted Average Maturity 11.668 Years
City of Minnetonka, Minnesota

$3,055,000 Taxable G.O. Housing Improvement Bonds, Series 2019A
20 Year - Level Debt Service
Assumes Current Market Taxable "AAA" Rates plus 25bps

Debt Service Schedule

<table>
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Significant Dates

Dated 12/05/2019
First Coupon Date 8/01/2020

Yield Statistics

| Bond Year Dollars | $35,645.22 |
| Average Life     | 11.668 Years |
| Average Coupon   | 3.2471692% |
| Net Interest Cost (NIC) | 3.3500161% |
| True Interest Cost (TIC) | 3.3522581% |
| Bond Yield for Arbitrage Purposes | 3.2229929% |
| All Inclusive Cost (AIC) | 3.5322021% |

IRS Form 8038

| Net Interest Cost | 3.2471692% |
| Weighted Average Maturity | 11.668 Years |
City of Minnetonka, Minnesota
$3,055,000 Taxable G.O. Housing Improvement Bonds, Series 2019A
20 Year - Level Debt Service
Assumes Current Market Taxable "AAA" Rates plus 25bps

Detail Costs Of Issuance
Dated 12/05/2019 | Delivered 12/05/2019

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Resolution No. ________________

Councilmember ________________ introduced the following resolution and moved its adoption:

Resolution Providing for the Sale of
$3,055,000 Taxable General Obligation Housing Improvement Bonds, Series 2019A

A. WHEREAS, the City Council of the City of Minnetonka, Minnesota has heretofore determined that it is necessary and expedient to issue the City's $3,055,000 Taxable General Obligation Housing Improvement Bonds, Series 2019A (the "Bonds"), to finance housing improvements within the Cloud 9 Sky Flats Housing Improvement Area in the City; and

B. WHEREAS, the City has retained Ehlers & Associates, Inc., in Roseville, Minnesota ("Ehlers"), as its independent municipal advisor for the Bonds in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9);

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Minnetonka, Minnesota, as follows:

1. Authorization; Findings. The City Council hereby authorizes Ehlers to assist the City for the sale of the Bonds.

2. Meeting; Proposal Opening. The City Council shall meet at 6:30 on November 18, 2019, for the purpose of considering proposals for and awarding the sale of the Bonds.

3. Official Statement. In connection with said sale, the officers or employees of the City are hereby authorized to cooperate with Ehlers and participate in the preparation of an official statement for the Bonds and to execute and deliver it on behalf of the City upon its completion.

The motion for the adoption of the foregoing resolution was duly seconded by City Council Member ________________ and, after full discussion thereof and upon a vote being taken thereon, the following City Council Members voted in favor thereof:

and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted.

Dated this 7th day of October 2019.

____________________________________________
Brad Wiersum, Mayor
Resolution No. 2019-

Resolution amending a resolution approving a housing improvement fee for the Cloud 9 Sky Flats Housing Improvement Area

Be it resolved by the City Council (the “Council”) of the City of Minnetonka, Minnesota (the “City”) as follows:

Section 1. Background.

1.01. The City is authorized under Minnesota Statutes, Sections 428A.11 through 428A.21, as amended (the “Act”), to establish by ordinance a housing improvement area within which housing improvements are made or constructed, and the costs of the improvements are paid in whole or in part from fees imposed within the area.

1.02. The Council adopted a Housing Improvement Area Policy on Nov. 14, 2011 (the “Policy”).

1.03. By Ordinance No. 2017-09, adopted by the Council on Aug. 28, 2017 (the “Enabling Ordinance”), the Council established the Cloud 9 Sky Flats Housing Improvement Area (the “Housing Improvement Area”) in order to facilitate certain improvements to property known as the “Cloud 9 Sky Flats” all in accordance with the Policy.

1.04. In accordance with Section 428A.12 of the Act and the City’s Housing Improvement Area Policy, owners of at least sixty percent (60%) of the housing units within the Housing Improvement Area filed a petition with the City Clerk requesting a public hearing regarding imposition of a housing improvement fee for the Housing Improvement Area.

1.05. By Resolution No. 2017-090, adopted by the Council on Aug. 28, 2017, as amended by Resolution No. 2018-038, adopted by the Council on April 2, 2018 (together, the “Original Fee Resolution”), the Council imposed a housing improvement fee on the housing units within the Housing Improvement Area in order to finance the housing improvements within the Housing Improvement Area.

1.06. The improvements authorized by the Enabling Ordinance included a complete renovation of the curtain wall exterior of the building, major repairs to the heating, ventilating, and air conditioning (HVAC) systems of the building, and upgrades to the elevator (collectively, the “Housing Improvements”).

1.07. The total cost of the Housing Improvements was estimated to be $3,930,000, including construction costs, administrative costs, soft costs, costs of issuing bonds to finance the Housing Improvements, and capitalized interest. The Original Fee Resolution established the housing fee per housing unit (the “Housing Improvement Fee”) based on the total project costs.

1.08. The Original Fee Resolution allowed owners to prepay their Housing Improvement Fee in total at any time between May 18, 2018, and June 30, 2019. After June 30, 2019, owners were not allowed to prepay their Housing Improvement Fee.
1.09. The City and Cloud 9 Sky Flats Association, Inc., a Minnesota nonprofit corporation (the "Association"), entered into a Development Agreement, dated Aug. 31, 2017, as amended by the First Amendment to Development Agreement, dated April 2, 2018 (together, the "Original Agreement"), providing for the development of the Housing Improvements.

1.10. The City has consulted with the Association, and the Association has informed the City that the repairs to the heating, ventilating, and air conditioning (HVAC) systems of the building will not be as extensive as previously anticipated. As a result, the total cost of the Housing Improvements is now estimated to be $3,282,300.

1.11. The Association has requested that the City amend the Original Fee Resolution in order to reduce the Housing Improvement Fee allocable to each owner based on the reduced total project costs.

1.12. As a result of the reduced total project costs, the Association has requested that the City reimburse the owners who prepaid their Housing Improvement Fees for a portion of the Housing Improvement Fee allocable to the repairs to the heating, ventilating and air conditioning (HVAC) systems of the building. The Association has also requested that the City amend the Original Fee Resolution to authorize such reimbursement.

1.13. The Association has also requested that the City amend the Fee Resolution by extending the pre-payment period for the Housing Improvement Fees.

1.14. On the date hereof, the Council conducted a public hearing, duly noticed in accordance with Section 428A.13 of the Act, regarding adoption of this resolution, which amends the Original Fee Resolution, at which all persons, including owners of property within the Housing Improvement Area, were given an opportunity to be heard.

Section 2. Approvals.

2.01. The Original Fee Resolution is hereby amended as described in this Section 2.

2.02. The Housing Improvement Fee allocable to each unit is set forth in EXHIBIT A attached hereto. This EXHIBIT A shall supersede and replace Exhibit A attached to the Original Fee Resolution.

2.03. Owners who prepaid their Housing Improvement Fees shall be reimbursed in the amount representing the difference between the Housing Improvement Fee previously prepaid and the amount shown under the heading Total Assessment (principal/prepayment amount) in EXHIBIT A attached hereto (the "Total Prepayment Fee") following submittal by the owner of evidence that they paid the Housing Improvement Fee on or prior to June 30, 2019.

2.04. The owner of any housing unit in the Housing Improvement Area may prepay the Housing Improvement Fee in total at any time between the date hereof and Nov.
7, 2019. The Total Prepayment Fee is shown under the heading Total Assessment (principal/pre-payment amount) in EXHIBIT A attached hereto. Partial prepayment of the Housing Improvement Fee is not permitted. Prepayment must be made to the City. After expiration of the prepayment period on Nov. 7, 2019, owners may not prepay any portion of the Housing Improvement Fee.

2.05. If the Total Prepayment Fee is not prepaid pursuant to Section 2.04 hereof, the Housing Improvement Fee will be imposed as an annual fee, in the amount shown under the heading Total Annual Fee in EXHIBIT A attached hereto. The Housing Improvement Fee will be imposed in equal annual installments for a period of twenty years, with the first installment payable in calendar year 2020. Interest at the rate of up to 3.35% per annum shall accrue on the principal amount of the Housing Improvement Fee for each unit from Nov. 7, 2019. The Total Annual Fee also includes an amount of $10.00 per unit to compensate the City for administrative costs related to the Housing Improvement Area and $190.00 per unit for the City’s ongoing consulting costs relating to the issuance of bonds or internal financing to finance the Housing Improvements. The Total Annual Fee also includes an amount to compensate Hennepin County, Minnesota (the “County”) for its administrative costs as described in Section 2.06 of the Original Fee Resolution.

2.06. Except as amended by this resolution, the Original Fee Resolution is hereby ratified and confirmed.

Section 3. Notice of Right to File Objections. Within five days after the adoption of this resolution, the City Clerk is directed to mail the following to the owner of each housing unit in the Housing Improvement Area: a summary of this resolution, notice that owners of at least forty-five percent (45%) of the housing units’ tax capacity subject to the Housing Improvement Fee may veto this resolution by filing a written objection with the City Clerk before the effective date of this resolution, and notice that a copy of this resolution is on file with the City Clerk for public inspection.

Section 4. Effective Date. This amended resolution shall be effective on the date hereof, subject to the veto rights of housing unit owners under Section 428A.18 of the Act.

Section 5. Filing of Housing Improvement Fee. After the effective date of this resolution, the City Clerk is directed to file a certified copy of this resolution with the County to be recorded on the property tax lists of the County for taxes payable in 2020 and thereafter.
Adopted by the City Council of the City of Minnetonka, Minnesota this 7th day of Oct. 2019.

Brad Wiersum, Mayor

ATTEST:

Becky Koosman, City Clerk

ACTION ON THIS RESOLUTION:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on Oct. 7, 2019.

Becky Koosman, City Clerk
### EXHIBIT A

#### AMENDED HOUSING IMPROVEMENT FEE BY UNIT

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<th>Share</th>
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<th>Annual Fee</th>
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Resolution No. 2019-
Resolution approving a second amendment to the development agreement with respect to the Cloud 9 Sky Flats Housing Improvement Area

Be it resolved by the City Council (the “Council”) of the City of Minnetonka, Minnesota (the “City”) as follows:

Section 1. Background.

1.01. The City is authorized under Minnesota Statutes, Sections 428A.11 through 428A.21, as amended (the “Act”), to establish by ordinance a housing improvement area within which housing improvements are made or constructed and the costs of the improvements are paid in whole or in part from fees imposed within the area.

1.02. By Ordinance No. 2017-09, adopted by the Council on Aug. 28, 2017 (the “Enabling Ordinance”), the Council established the Cloud 9 Sky Flats Housing Improvement Area (the “Housing Improvement Area”) in order to facilitate certain housing improvements to property known as the “Cloud 9 Sky Flats.”

1.03. By Resolution No. 2017-090, adopted by the Council on Aug. 28, 2017, as amended by Resolution No. 2018-038, adopted by the Council on April 2, 2018 (together, the “Original Fee Resolution”), the Council imposed a housing improvement fee (the “Housing Improvement Fee”) on the housing units within the Housing Improvement Area in order to finance the housing improvements within the Housing Improvement Area.

1.04. The City and Cloud 9 Sky Flats Association, Inc., a Minnesota nonprofit corporation (the “Association”), entered into a Development Agreement, dated Aug. 31, 2017, as amended by the First Amendment to Development Agreement, dated April 2, 2018 (as amended, the “Original Development Agreement”), which set forth the respective obligations of the City and the Association with respect to the development of the housing improvements, which included a complete renovation of the curtain wall exterior of the building, major repairs to the heating, ventilating, and air conditioning (HVAC) systems of the building, and upgrades to the elevator (collectively, the “Housing Improvements”).

1.05. Subsequent to the execution and delivery of the Original Development Agreement, the Association informed the City that the repairs to the heating, ventilating, and air conditioning (HVAC) systems of the building will not be as extensive as previously anticipated. As a result, the total project costs associated with the Housing Improvements have been reduced.

1.06. On the date hereof, the Council conducted a duly noticed public hearing on and approved an amendment to the Original Fee Resolution, which reduced the Housing Improvement Fee based on the reduced total project costs, authorized the partial reimbursement to owners who prepaid their Housing Improvement Fee based on the reduced total project costs, extended the prepayment period to
Nov. 7, 2019, and postponed the first installment of the Housing Improvement Fees until 2020.

1.07. There has been presented to this Council a form of Second Amendment to Development Agreement (the “Second Amendment to Development Agreement”) proposed to be entered into between the City and the Association, which amends the Original Agreement with respect to, among other things, the description of the Housing Improvements.

Section 2. Approval.

2.01. The Mayor and the City Manager are hereby authorized and directed to execute on behalf of the City the Second Amendment to Development Agreement in substantially the form presented to the Council on this date, subject to modifications that do not materially alter the City’s rights and obligations under such agreement and that are approved by the Mayor and the City Manager, which approval shall be conclusively evidenced by execution of the Second Amendment to Development Agreement.

2.02. City officials, staff, and consultants are hereby authorized and directed to take any and all steps necessary or convenient in order to carry out the City’s obligations under the Original Development Agreement, as amended by the Second Amendment to Development Agreement.

Section 3. Effective Date. This resolution shall be in full force and effect from and after its approval.

Adopted by the City Council of the City of Minnetonka, Minnesota this 7th day of Oct., 2019.

Brad Wiersum, Mayor

ATTEST:

Becky Koosman, City Clerk

ACTION ON THIS RESOLUTION:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on Oct. 7, 2019.

________________________________________
Becky Koosman, City Clerk
Resolution No. 2019-

Resolution providing for the sale of $3,055,000 taxable general obligation housing improvement bonds, Series 2019A

A. WHEREAS, the City Council of the City of Minnetonka, Minnesota has heretofore determined that it is necessary and expedient to issue the City's $3,055,000 Taxable General Obligation Housing Improvement Bonds, Series 2019A (the "Bonds"), to finance housing improvements within the Cloud 9 Sky Flats Housing Improvement Area in the City; and

B. WHEREAS, the City has retained Ehlers & Associates, Inc., in Roseville, Minnesota ("Ehlers"), as its independent municipal advisor for the Bonds in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9);

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Minnetonka, Minnesota, as follows:

1. Authorization; Findings. The City Council hereby authorizes Ehlers to assist the City for the sale of the Bonds.

2. Meeting; Proposal Opening. The City Council shall meet at 6:30 on Nov. 18, 2019, for the purpose of considering proposals for and awarding the sale of the Bonds.

3. Official Statement. In connection with said sale, the officers or employees of the City are hereby authorized to cooperate with Ehlers and participate in the preparation of an official statement for the Bonds and to execute and deliver it on behalf of the City upon its completion.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Oct. 7, 2019.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on Oct. 7, 2019.

Becky Koosman, City Clerk
brief description
items concerning the hennepin county medical examiner’s office project at 14300 co. rd. 62
1) major amendment to an existing master development plan;
2) conditional use permit; and
3) site and building plan review

recommendation
adopt the ordinance and resolution approving the project

background
in feb. 2019, the city council reviewed plans to develop the facility on the “eastern” portion of the county home school (chs) property. the council introduced the ordinance, but prior to the planning commission public hearing, the county decided to reconsider site options after staff raised a number of concerns about the access road disturbance, steep slopes, grading impacts and future site development.

proposa
hennepin county has revisited site development of the chs site for the medical examiner’s office. the new plan proposes to construct a new medical examiner’s facility on the west side of the chs site at 14300 county road 62. the proposed two-story, 58,000-square-feet building and associated parking are located south of the existing chs complex, on the site of four existing chs cottages.

the project will utilize the existing exit road from county road 62 and the existing north/south access road to enter visitor parking, secured staff parking, and the secured chs facility. the building would include office, autopsy, and conference spaces. the county anticipates the facility would also serve as a teaching and training facility for students, university faculty, and practitioners. there would not be a crematorium in the building.

planning commission meeting
the planning commission reviewed the project at their sept. 19, 2019 meeting. the commission asked a few questions about proximity to other site uses, landscaping, and building efficiency. there was no public comment.

since the planning commission meeting
as a point of interest, the county is continuing to develop final landscape plans for the project. conceptual plans are included in the packet illustrating the elements to be included in a final plan – deciduous and evergreen trees, shrubs, grasses, and perennials. recently the city updated its landscaping requirements to require that 25 percent of the plantings be pollinator-friendly. although staff has not reviewed a final plan, the conceptual plan suggests the project will easily comply with the ordinance. the approval conditions require the final landscaping plan to meet the ordinance.
Staff Recommendation

Adopt the ordinance and resolution approving the project.

Submitted through:
   Mike Funk, Assistant City Manager
   Julie Wischnack, AICP, Community Development Director

Originated by:
   Loren Gordon, AICP, City Planner
Location Map

Project: Hennepin County
Medical Examiner’s Office
Address: 14300 Co Rd 62
MINNETONKA PLANNING COMMISSION
Sept. 19, 2019

Brief Description
Items concerning the Hennepin County Medical Examiner’s Office Project at 14300 Co. Rd. 62:

1) Major amendment to an existing master development plan;
2) Conditional use permit and;
3) Site and building plan review

Recommendation
Recommend the city council adopt the ordinance and resolution approving the project.

Proposal

Hennepin County is proposing to construct a new medical examiner’s facility on the west side of the County Home School site (CHS) at 14300 County Road 62. The proposed two-story, 58,000-square-feet building and associated parking are located south of the existing CHS complex, on the site of four existing CHS cottages.

The project will utilize the existing access road from County Road 62 and the existing north/south access road to enter visitor parking, secured staff parking, and the secured CHS facility. The building would include office, autopsy, and conference spaces. The county anticipates the facility would also serve as a teaching and training facility for students, university faculty, and practitioners. There would not be a crematorium in the building. The facility will replace the current downtown Minneapolis location. All operations from the downtown facility location would be moved to the Minnetonka site. The Hennepin County Medical Examiner’s Office serves Hennepin, Dakota and Scott Counties.

Plan Submissions

During the summer of 2018, the Hennepin County presented a concept plan to the neighborhood, planning commission and city council to develop the “eastern” portion of the CHS site for an informal review. The council introduced the ordinance, but prior to the planning commission public hearing, the county decided to reconsider site options after staff raised a number of concerns about the access road disturbance, steep slopes, grading impacts and future site development.
In Feb. 2019, the city council reviewed formal development plans to develop the facility on the “eastern” portion of the CHS property. The proposed facility moved north of the location shown in the concept plan to reduce site impacts. The council introduced the ordinance, but prior to the planning commission public hearing, the county decided to reconsider site options after staff raised a number of concerns about the access road disturbance, steep slopes, grading impacts and future site development.

After considering other site development options, the county developed a revised plan to move the facility from the undeveloped east to the developed west side of the property. The current formal development plan proposes a “west side” CHS site location. The location is on a portion of the site where cottages exist.

The proposal requires the approval of:

1) **Master Development Plan Amendment.** By City Code §300.22 Subd.9, the proposal requires a major amendment to the existing civic center master development plan, as the proposal: (1) substantially alters the location of buildings; and (2) increases the gross floor area of the building by more than 10 percent. Major amendments can only be approved by ordinance.

2) **Conditional Use Permit.** By City Code §300.22 Subd.3, all uses allowed by conditional use permit within any other district are allowed by conditional use permit in a PUD. Public buildings are conditionally-permitted uses in all zoning districts.

3) **Site and Building Plan Review.** By city code, site and building plan review is required for the construction of any non-single-family residential building.
Primary Questions and Analysis

The planning commission’s charge is to review proposed land uses and determine whether they are appropriate given zoning ordinance standards and land use policy. The following outlines the primary land use questions associated with the proposed improvements and staff’s findings.

1. **Is the proposed use appropriate?**

   Yes. Hennepin County has operated uses serving the public’s interest for over a century at this location. Development of the medical examiner’s office at this location is logical and reasonable.

2. **Are the anticipated impacts acceptable?**

   Yes. The anticipated impacts are acceptable. The proposed plans allow for reuse of the cottages area of the property that will be vacated after providing services for more than 50 years. Reuse of this area avoids the development of other undisturbed areas of the property. Unlike other areas of the property, there are no woodland preservation areas, wetlands, or steep slopes.

**Staff Recommendation**

Recommend the city council adopt the ordinance and resolutions approving the medical examiner’s office located at 14300 Co. Rd. 62.

Originator: Loren Gordon, AICP, City Planner
Supporting Information

**Surrounding Land Uses**
- Northerly: Single-family homes and Glen Lake
- Easterly: Industrial uses
- Southerly: Industrial uses
- Westerly: Golf Course and single-family homes

**Planning**
- Existing Zoning: PUD
- Guide Plan designation: Institutional

**Shoreland Management:**
- The proposed facility is located outside the Shoreland Management area of Glen Lake.

**Steep Slopes:**
- The proposed facility location is not located on steep slope areas.

**Wetlands:**
- There are wetlands adjacent to the proposed facility location and storm water infiltration basin. The proposed development will not impact the wetland.

**Access:**
- The proposed facility will utilize the existing site access at Co. Rd. 62 which is a signalized intersection. The Glen Lake Golf Course also shares this access.

**Misc. Standards**
- The development proposes the following standards:

<table>
<thead>
<tr>
<th></th>
<th>Required*</th>
<th>Existing Cottages*</th>
<th>Proposed*</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building setbacks</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North n/a</td>
<td>1570 ft</td>
<td>1570 ft</td>
<td></td>
</tr>
<tr>
<td>South n/a</td>
<td>410 ft</td>
<td>410 ft</td>
<td></td>
</tr>
<tr>
<td>East n/a</td>
<td>1400 ft</td>
<td>1400 ft</td>
<td></td>
</tr>
<tr>
<td>West n/a</td>
<td>215 ft</td>
<td>215 ft</td>
<td></td>
</tr>
<tr>
<td><strong>Parking lot setbacks</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North n/a</td>
<td>-</td>
<td>1520 ft</td>
<td></td>
</tr>
<tr>
<td>South n/a</td>
<td>-</td>
<td>300 ft</td>
<td></td>
</tr>
<tr>
<td>East n/a</td>
<td>-</td>
<td>1275 ft</td>
<td></td>
</tr>
<tr>
<td>West n/a</td>
<td>-</td>
<td>80 ft</td>
<td></td>
</tr>
<tr>
<td><strong>Impervious surface (160 ac site)</strong></td>
<td>n/a</td>
<td>9%</td>
<td>11%</td>
</tr>
<tr>
<td><strong>Parking</strong></td>
<td>66 stalls</td>
<td>-</td>
<td>78 stalls</td>
</tr>
</tbody>
</table>
**Review Standards**

Based on the required applications for project review, the following sections of city code are applicable.

- **Section 300.22. Subd. 4 Planned Unit Development General Standards**

  A PUD may be approved when the following general standards are met:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Compliance?</th>
</tr>
</thead>
<tbody>
<tr>
<td>The PUD results in at least one of the public benefits as outlined in</td>
<td>Yes. Development is compatible with existing, surrounding development type</td>
</tr>
<tr>
<td>section 2 of this ordinance</td>
<td>and intensity that is no longer allowed in other existing zoning districts.</td>
</tr>
<tr>
<td>The PUD is consistent with and advances the community-wide goals of the</td>
<td>Yes. The property has long been guided for institutional use in the</td>
</tr>
<tr>
<td>comprehensive plan</td>
<td>comprehensive plan. Continued public use of the property advances</td>
</tr>
<tr>
<td>The PUD is appropriately integrated into existing and proposed</td>
<td>community-wide goals.</td>
</tr>
<tr>
<td>surrounding development. This does not mean the PUD reflects the</td>
<td>The proposed development plan utilizes land already under use on the CHS</td>
</tr>
<tr>
<td>specific standards of the surrounding area such as lot size, density,</td>
<td>site. The redevelopment of this area is appropriately integrated into the</td>
</tr>
<tr>
<td>setbacks, or design. While integration may be achieved through such</td>
<td>site through the use of existing roadways and utilities. The location</td>
</tr>
<tr>
<td>standards, it may also be achieved through the continuation of existing</td>
<td>provides a transition of use from Co. Rd. 62 through the site to other uses.</td>
</tr>
<tr>
<td>land use types, architectural transitions, landscape buffering, or other</td>
<td>Redevelopment at this location also prevents the disturbance of other</td>
</tr>
<tr>
<td>means.</td>
<td>undeveloped areas of the site.</td>
</tr>
</tbody>
</table>
- Section 300.27. Site and Building Plan Review

<table>
<thead>
<tr>
<th>In evaluating a site and building plan, the planning commission and city council shall consider its compliance with the following:</th>
<th>Compliance?</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;</td>
<td>Yes</td>
</tr>
<tr>
<td>b) consistency with this ordinance;</td>
<td>Yes</td>
</tr>
<tr>
<td>c) preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;</td>
<td>Yes</td>
</tr>
<tr>
<td>d) creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;</td>
<td>Yes</td>
</tr>
<tr>
<td>e) creation of a functional and harmonious design for structures and site features, with special attention to the following:</td>
<td></td>
</tr>
<tr>
<td>1) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;</td>
<td>Yes</td>
</tr>
<tr>
<td>2) the amount and location of open space and landscaping;</td>
<td>Yes</td>
</tr>
<tr>
<td>3) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and</td>
<td>Yes</td>
</tr>
<tr>
<td>4) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.</td>
<td>Yes</td>
</tr>
<tr>
<td>f) promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and</td>
<td>Yes</td>
</tr>
<tr>
<td>g) protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of</td>
<td>Yes</td>
</tr>
</tbody>
</table>
History

The County Home School property has served the changing needs of its residents for over a century. In 1916, the Glen Lake Sanatorium was built on the current site of the Glen Lake Golf Course. In the 1950’s and 60’s corrections facility administration and treatment program buildings were constructed. (The red outline indicates the medical examiner’s location in the photo series).
Neighborhood Comments

The city has sent notice to 986 area property owners and has received no written comments to date.

Pyramid of Discretion

![Pyramid Diagram]

Motion Options

The planning commission has three options:

1. Concur with the staff recommendation. In this case a motion should be made recommending the city council adopt the ordinance and resolutions approving proposal.

2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny the proposal. This motion must include a statement as to why denial is recommended.

3. Table the request. In this case, a motion should be made to table the items. The motion should include a statement as to why the requests are being tabled with direction to staff, the applicant, or both.

Voting Requirement

The planning commission will make a recommendation to the city council. A recommendation for approval requires an affirmative vote of a simple majority. The city council’s final approval requires an affirmative vote of a simple majority.

Deadline for Decision

Jan. 31, 2020
SITE PLAN

VISITOR PARKING: 21 STALLS
STAFF PARKING: 57 STALLS
8' TALL SOLID PRIVACY FENCE
8' TALL METAL FENCE
ENTRY GATE
RELOCATED HOME SCHOOL GATE
ACCESS ROAD / FIRE LANE
ENTRY LANDSCAPE
COURTYARD
EAST PATIO
STORMWATER BASINS / RAIN GARDENS
HENNEPIN COUNTY MEDICAL EXAMINERS
MINNETONKA, MN
DF/ DAMON FARBER
SEPTEMBER 6, 2019
LANDSCAPE REVIEW MEETING
SITE PLAN (aug. 6)

VISITOR PARKING: 21 STALLS
STAFF PARKING: 58 STALLS

8’ TALL SOLID BARRIER
8’ TALL FENCE

ENTRY GATE
RELOCATED HOME SCHOOL GATE
ACCESS ROAD / FIRE LANE

ENTRY LANDSCAPE
COURTYARD
EAST PATIO

STORMWATER BASINS / RAIN GARDENS
HENNEPIN COUNTY MEDICAL EXAMINERS

FENCES/WALLS/EDGES

6' TALL WOOD FENCE
6' TALL WIRE STEEL FENCE
6' TALL CORE TEN FENCE
GABION WALL
CORE-TEN EDGING

CHS MAIN GATE (ARM)
CHS SERVICE GATE (ARM)
ME VERTICAL SWINGING GATE
CORE-TEN EDGING

SEPTEMBER 6, 2019
DECIDUOUS TREES

Sugar maple
River birch
Kentucky coffeetree
Prairie dream birch
Siouxland cottonwood
Swamp white oak
Bur oak
Red oak
Prairie gold sassafras
American homsbeam
EVERGREEN TREES

- eastern red cedar
- black hills spruce
- red pine
- white pine
- american arborvitae
HENNEPIN COUNTY MEDICAL EXAMINERS

SHRUBS

- black chokeberry
- gray dogwood
- red twig dogwood
- american hazelnut
- ninebark
- smooth sumac
- gro-low sumac
- bush honeysuckle
- nannyberry
- grey owl juniper
GRASSES / PERENNIALS

- side oats grama
- little bluestem
- prairie dropseed
- prairie cordgrass
- gayfeather
- purple coneflower
- white swan coneflower
- cup plant
- blue wild indigo
SEED / SOD
- short prairie dry mix
- basin mix
- pollinator lawn mix
- fescue sod

ROCK / BOULDERS
- 1-2" grey trap rock
- 4-6" grey trap / rip rap
- grey trap rock boulders
Demolition Plan

Before you dig, call below. Know what's in the ground.

See Sheet CD100 for demolition notes and legend.

1. Protect trees
2. Protect light poles
3. Protect bituminous pavement
4. Protect sanitary sewer
5. Protect storm sewer
6. Protect telecommunication
7. Protect watermain
8. Protect walk
9. Protect wall
10. Protect bollards

1. Remove concrete
2. Remove flared ends
3. Remove trees
4. Remove landscaping
5. Remove light poles
6. Remove watermain
7. Remove walk
8. Remove wall
9. Remove bollard
10. Remove light pole

Sanitary sewer
Storm sewer
Telecommunication
Watermain
Concrete walk
Light poles
Bollard
Trees
Landscaping
Concrete
Light pole
Watermain
Walk
Wall
Bollard

End Section

CD 101

A1

Scale in feet

1" = 30'

CITY SUBMITTAL

Copyright © 2018 LEO A DALY Company
VERIFY ALL FIELD CONDITIONS AND UTILITY LOCATIONS PRIOR TO EXCAVATION/CONSTRUCTION.

DIMENSIONS SHOWN ON THIS PLAN ARE TO FACE OF CURB OR EDGE OF PAVEMENT AND EXTERIOR FACE OF BUILDING UNLESS NOTED OTHERWISE.

MEET AND MATCH EXISTING CONDITIONS. PROVIDE TRANSITION AS NECESSARY.

ON-SITE CURB TO BE B612 CONCRETE CURB & GUTTER.

ALL CURBS TO HAVE 3/4" EXPANSION JOINTS AT A MAXIMUM OF 100'-0" AND CONTROL JOINTS AT A MAXIMUM OF 10'-0".

ALL PARKING STALLS TO BE PAINTED WITH A 4" WIDE WHITE STRIPING. ACCESSIBLE SYMBOLS TO BE PAINTED IN WHITE AND ACCESSIBLE ACCESS AISLES TO BE PAINTED WITH A 4" WIDE PAINTED STRIPE 18 INCHES ON CENTER AND AT 45 DEGREE ANGLES TO STALL, WITH 'NO PARKING' MARKED. REFLECTORIZED PAINT SHALL COMPLY WITH MNDOT 3592.
C. Items concerning the Hennepin County Medical Examiner’s Office at 14300 Co. Rd. 62.

Chair Kirk introduced the proposal and called for the staff report.

Gordon reported. He recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Tim Powers, project manager and architect, stated that:

- The new location and orientation of the building offers many advantages to the old site. He is happy with this alternative.
- The existing gate would be moved north.
- The current circulation would be utilized including the light on Hwy 62.
- The first right into the site would be for visitor parking.
- The traffic going east on the access road would be limited to Hennepin County Home School employees and deliveries to the home school and be designated as a fire lane.
- The existing access road would lead to staff parking. All of the parking areas would be secured with a six-foot-tall fence. There would be 21 visitor parking stalls.
- There is a 16-foot drop on the east side.
- Wetland buffer setback requirements would be met.

Jesse Symnykywica, landscape architect with Damon Farber, provided a presentation on landscape materials. He stated that:

- The fences and walls would appear as natural as possible. Wood would be used on the north side for a residential feel.
- The slope is being used as a natural barrier.
- He selected Minnesota-friendly trees including maple, birch, cottonwoods and white oak.
- The north side would have a lot of plants and trees including evergreens that would create a natural buffer.
- The vegetation would be sustainable. No irrigation would be needed.
- There would be more prairie grass and rain garden plantings than grass that would have to be mowed. The city hall campus has the same feel with sumac, dogwood and honeysuckle.
- A lot more trees would be preserved with this plan than the last one.

Luke asked how far it would be from the cottage to the back side of the building. Mr. Powers answered approximately 250 feet from the building to the south wall of the cottage. The south wall of the cottage would be significantly higher due to the
topography. Landscaping and topography would create a buffer and prevent the need for a fence in that area. The cottage is one story. The building footprint would be about 58,000 square feet.

In response to Henry’s questions, Mr. Powers stated that:

- There would be two retention ponds on each side of the visitor parking area. Those would end up being filters that would feed into the retention pond on the southeast side which has enough capacity for the entire site.
- The plants would be drought tolerant, so no irrigation would be needed.
- Light would not extend onto the home school site.
- The county forester helped select trees that would be drought tolerant.

In response to Chair Kirk’s questions, Mr. Powers described the floor plan and courtyard area.

Yetka explained the city’s pollinator ordinance that requires 25 percent of plantings to be pollinator friendly. She did not foresee a problem with the landscape plan.

The public hearing was opened. No testimony was submitted and the hearing was closed.

Henry likes the relocation. It would be nice to keep the east side natural. He suggested reducing the carbon footprint of the building with a solar garden or other option.

Chair Kirk likes the new location. It fits well on the site.

Wischnack reviewed Hennepin County’s commitment to reducing its carbon footprint on its website. Gordon noted that the county is committed to its buildings meeting B3 requirements which are a level higher than typical practices of sustainability and energy efficiency.

Sewall thought this would be a much better location for the building. It looks great. He supports staff’s recommendation.

*Henry moved, second by Knight, to recommend that the city council adopt the ordinance and resolutions approving the medical examiner’s office located at 14300 Co. Rd. 62.*

*Henry, Knight, Luke, Sewell, and Kirk voted yes. Hanson and Powers were absent. Motion carried.*
Ordinance No. 2019-

An ordinance amending existing master development for the Hennepin County Home School property located at 14300 Co. Rd. 62

The City Of Minnetonka Ordains:

Section 1.

1.01 Hennepin County is proposing a new medical examiner’s office on the county home school property.

1.02 The site is located at 14300 Co. Rd. 62 and is legally described in Exhibit A.

1.03 The proposed medical examiner’s office includes a two-story, 56,000-square-feet building and associated parking are located south of the existing CHS complex, on the site of four existing CHS cottages. The project will utilize the existing access road from County Road 62 and the existing north/south access road to enter visitor parking, secured staff parking, and the secured CHS facility. The building would include office, autopsy, and conference spaces. The county anticipates the facility would also serve as a teaching and training facility for students, university faculty, and practitioners. There would not be a crematorium in the building.

1.04 The property is zoned planned unit development.

1.05 Section 300.22 Subd. 9 requires a major amendment to the master development plan.

Section 2.

2.01 Section 300.22 Subd. 4 provides general standards for approval of a planned unit development. A planned unit development may be approved when the following general standards are met:

1. The PUD results in at least one of the public benefits as outlined in section 2 of this ordinance;

2. The PUD is consistent with and advances the community-wide goals of the comprehensive plan; and
3. The PUD is appropriately integrated into existing and proposed surrounding development. This does not mean the PUD reflects the specific standards of the surrounding area such as lot size, density, setbacks, or design. While integration may be achieved through such standards, it may also be achieved through the continuation of existing land use types, architectural transitions, landscape buffering, or other means.

2.02 This ordinance is based on the following findings:

1. The development continues the institutional nature, which serves the public interest.

2. The property has long been guided for institutional use in the comprehensive plan. Continued public use of the property advances community-wide goals.

3. The redevelopment of this area is appropriately integrated into the site through the use of existing roadways and utilities. The location provides a transition of use from Co. Rd. 62 through the site to other uses. Redevelopment at this location also prevents the disturbance of other undeveloped areas of the site.

Section 3.

3.01 This ordinance hereby amends a master development plan for the Hennepin County Home School.

3.02 Approval is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
   - Site plan, dated Aug. 15, 2019
   - Grading plan, dated Aug. 15, 2019
   - Sediment and Erosion Control Plan, dated Aug. 15, 2019
   - Utility plan, dated Aug. 15, 2019
   - Exterior Elevations, dated July 26, 2019

2. Construction must further comply with all conditions outlined in City Council Resolution No. 2019-xx.

Section 4. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 5. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on Oct. 7, 2019.
Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

**Action on this ordinance:**

Date of introduction: Sept. 16, 2019
Date of adoption: 
Motion for adoption: 
Seconded by: 
Voted in favor of: 
Voted against: 
Abstained: 
Absent: 
Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on Oct. 7, 2019.

Becky Koosman, City Clerk
EXHIBIT A

PARCEL A:
Lot one ( 1) Block three (3) Beautiful Avondale, according to the plat thereof on file and of record in the office of the Register of Deeds within and for the County of Hennepin in the State of Minnesota.

PARCEL B:
Lots two (2) and three (3) in Bio.ck three (3) Beautiful Avondale according to the plat thereof on file and of record in the office of the Register of Deeds within and for the County of Hennepin in the State of Minnesota.

PARCEL C:
Lots Four, (4), Five (5), Six (6), Seven (7), Eight (8), and Nine (9), Block Three (3), "Beautiful Avondale", Hennepin County, Minnesota, according to the duly recorded plat thereof on file and of record in the office of the Register of Deeds in and for said County.

PARCEL D:
Commencing on the East line of SW 1 /4 of NW 1 /4 at a point 76.8 ft. South from the S.E. corner of Glen Lake Heights, thence South to the SE corner of SW 1/4 of NW 1/4, thence West 330 ft., thence North 200 ft., thence West 581 ft., thence Easterly to the point of beginning, Section 34, Township 117, Range 22, Village of Minnetonka.

PARCEL E:
A tract of Land in the South West Quarter - SW 1 /4 - of the North West Quarter NW 1 /4 of Section Thirty-four - 34 - Township One hundred Seventeen - 117 N. Range Twenty-two - 22 - W - described as follows beginning at a point 409 feet East of the West Quarter post of said section 34. Thence East 581 feet more or less to the East line of the W 3/4 - Three Quarters of the South West Quarter of the North West Quarter - SW 1 /4 of NW 1 /4 - Thence north along the last described line the distance of 200 feet. thence West parallel with the South line 81 feet Thence South 200 feet to point of beginning containing 2 2/10 Two and /10 Acres more or less.

PARCEL F:
All that part of the East one-half (E. ½) of the Southwest quarter, (S.W. 1/4) of Section Thirty-four (34), Township One Hundred Seventeen (117), North of Range Twenty-two (22) West, of the 5th Principal Meridian, lying North of the Northerly right of way line of the old Chicago, Milwaukee and St. Paul Railroad and the new Chicago, Milwaukee and St. Paul Railroad, as located and established through the said East Half (E. ½) of the Southwest Quarter (SW 1 /4) of Section Thirty-four (34), Township One Hundred Seventeen (117), North of Range Twenty-two (22) West of the 5th Principal Meridian, containing 60.66 acres more or less according to the Government survey, thereof.
PARCEL G:
The West Half of the South West Quarter - W. ½ of the S.W. 1/4 of Section 34 - Thirty-four - Township 117 - One hundred Seventeen Range 22 - Twenty-two. Also a right of way one Rod wide across and along the North line of the N.E. 1/4 of the S. E. 1 /4 - North East Quarter of the South East Quarter of Section 33 Thirty-three Township 117 One hundred Seventeen Range 22 - Twenty-two Hennepin County Minnesota, to the Eden Prairie Road. Containing 80 acres more or less according to the United States Government Survey thereof.

PARCEL H:
A tract of land in Section 33 Township 117 Range 22 W. described as follows: Beginning at the East line of said Section One Rod South of the East Quarter post. Thence West parallel with the East and West center line of said Section 33 a distance of approximately 631 feet to the center line of Eden Prairie Road. Thence Southwesterly along the Center of said Road making an angle to the left of 69 Degrees 38 minutes from the last described line a distance of 194 3/10 feet. Thence continuing Southwesterly along the center line of said Road making an angle of 3 degrees and 7 minutes to the right from the last described line a distance of 433 2/10 feet. Thence East parallel with the said East and West center line of said Section 33 a distance of 871 1/10 feet more or less to the East line of said Section 33. Thence North along the East line of said Section 33 a distance of 579 55/100 feet to the point of beginning. Also all that part of the North One Rod in width of the North East Quarter of the South East Quarter of said Section 33, Township 117 - Range 22 - W. lying East of the said Eden Prairie Road above mentioned and described containing Ten Acres more or less according to the United States Government Survey thereof.

PARCEL I:
That part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section Thirty-three (33), Township One Hundred Seventeen (117) North, Range Twenty-two (22) West of the Fifth Principal Meridian, described as follows, to wit: Commencing on the East line of said Section Thirty-three (33) 596.5 feet South of the Northeast corner of the Northeast Quarter (NE 1 /4) of the Southeast Quarter (SE 1 /4), which point is the Southeast corner of a ten acre tract of land deeded to the County of Hennepin by that certain deed recorded in Book 647 of Deeds on page 435; thence South on the East line of said Section Thirty-three (33) distance of 218.4 feet; thence West parallel with the South line of said a deeded to Hennepin County hereinbefore referred to a distance of 1083.76 land feet to the center line of the Eden Prairie Road; thence Northeasterly along the center line of said Eden Prairie Road 265.46 feet to the Southeast corner of said tract to deeded to Hennepin County; thence East 915.4 feet more or less to the place of beginning containing five acres more or less.

PARCEL J:
That part of the northeast quarter - 1 /4 of the Southeast quarter - 1 /4 - of Section 33, Township 117, North Range 22, West of the fifth principal meridian described as follows: Beginning at a point on the East line of said section 33, eight hundred fourteen and forty-five one-hundredths feet - 814.45 - South of the East quarter - 1 /4 - post of said section; thence West Ten Hundred eighty-three
and severity-six one-hundredths feet - 1083. 76 - to the center line of Eden Prairie road; thence Southwesterly along center line of said road a distance of four hundred and eighteen one-hundredths feet - 445.18 -, to its intersection with the West forty-five line of the Northeast quarter - 1 /4 - of the Southeast quarter - 1 /4 - of said section, thence South on the West line of the Northeast quarter - 1/4 - of the Southeast quarter - 1 /4 - a distance of seventy-four and seventy-five one hundredths feet - 74.75 more or less to the Southwest corner thereof; thence East thirteen hundred eight and five tenths feet - 1308.5 - to the Southeast corner of said Northeast quarter - 1 /4 - of the Southeast quarter - 1 /4 - of said Section; thence North four hundred thirty three and fifty-four one-hundreds feet – 433.54 – to beginning.

PARCEL K:

The East five-eighths (5/8) of the Southeast quarter (SE 1 /4) of the Southeast quarter (SE 1 /4) of Section thirty-three (33), Township one hundred and Southeast seventeen (117), Range twenty-two (22), subject to an easement for the purpose of a public roadway now laid out and established along the South line of said tract; said tract containing twenty-five (25) acres of land be the same more or less according to tract the government survey thereof.

Also conveying herein and hereby an easement for the free use for roadway purposes of a certain cart-way now laid out and established along the roadway North line of the West three-eighths of said Southeast quarter (SE 1 /4) of Southeast quarter (SE 1 /4) of the said Section, which cart-way is reserved and defined in a certain deed bearing date August 5, 1912, conveying said last above described land executed by Louise B. Sheehan and husband to Nels Weberg, and recorded in the office of the Register of Deeds for said Hennepin County August 7, 1912, in Book 738 of Deeds on page 140.

PARCEL L:

The Westerly three-eighths (3/8) of the Southeast Quarter (SE 1 /4) of the Southeast Quarter (SE 1 /4) of Section Thirty-three (33), Township One Hundred Seventeen (117), Range Twenty-two (22): Excepting and reserving there from a roadway which at present exists entering said tract on the west line about Twenty (20) rods, more or less, north of the Southwest corner of said tract and running thence in a southeasterly direction across said tract; and

Also excepting from said tract and reserving a cartway running along the north line of said tract; Said tract containing fifteen (15) acres, more or less, according to the Government Survey thereof.

PARCEL M:

All that part of the South West Quarter (SW 1 /4) of the South East Quarter (SE 1 /4) of Section Thirty-three (33) Township One Hundred Seventeen (117) Range Twenty Two (22) lying Southeasterly (SE) of the Eden Prairie Road and Northerly of the Public Road running Southeasterly from said Eden Prairie Road, toward and along the South line of said Section, being one and seven eights (1 7/8) of
an acre more or less.

PARCEL S:

Lots 13 to 20 inclusive, Block 2, Beautiful Avondale, Hennepin County, Minnesota, VILLAGE OF MINNETONKA.

PARCEL T:

Outlet A, Glen-Moor, according to the plat thereof on file or of record in the office of the Registrar of Titles in and for said County.
Resolution No. 2019-
Resolution approving a conditional use permit and site and building plan review for a new medical examiner’s office located on the Hennepin County Home School property located at 14300 Co. Rd. 62

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 Hennepin County is proposing a new medical examiner’s office on the county home school property.

1.02 The site is located at 14300 Co. Rd. 62 and is legally described in Exhibit A.

1.03 The proposed medical examiner’s office includes a two-story, 56,000-square-feet building and associated parking are located south of the existing CHS complex, on the site of four existing CHS cottages. The project will utilize the existing access road from County Road 62 and the existing north/south access road to enter visitor parking, secured staff parking, and the secured CHS facility. The building would include office, autopsy, and conference spaces. The county anticipates the facility would also serve as a teaching and training facility for students, university faculty, and practitioners. There would not be a crematorium in the building.

1.04 The property is zoned planned unit development and guided institutional in the comprehensive plan.

1.05 On Sept. 19, 2019, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the project.

Section 2. Standards and Findings.

2.01 City Code §300.16 Subd. 2 outlines the general standards that must be met for granting a conditional use permit.

1. the use is consistent with the intent of this ordinance;
Finding: the expansion of the existing public use of the property is consistent with the zoning as planned unit development.

2. The proposed use is consistent with the goals, policies, and objectives of the comprehensive plan.

Finding: the proposed use is consistent with the institutional guidance of the property in the comprehensive plan.

3. The use does not have an undue adverse impact on governmental facilities, utilities, services, or existing or proposed improvements; and

Finding: The proposed use would further the delivery and efficiency of governmental essential public services.

4. The use does not have an undue adverse impact on the public health, safety, or welfare.

Finding: The proposed use would benefit public health, safety, and welfare conditions.

2.02 City Code §300.27 Subd. 5 outlines the following site and building plan standards the planning commission and city council shall consider:

1. consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;

Finding: The proposal is consistent with the guided use of the property as institutional. The proposed stormwater management plan meets the city’s standards.

2. consistency with this ordinance;

Finding: The proposal meets all zoning code standards.

3. preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;

Finding: The proposed development plan utilizes land already under use on site. The redevelopment of this area is appropriately integrated into the site through the use of existing roadways and utilities. The location provides a transition of use from Co. Rd. 62 through the site to other uses. Redevelopment at this location also prevents the disturbance of other undeveloped areas of the site.
4. creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;

Finding: The facility blends into the natural environment by using the site features to buffer from adjacent residential neighborhoods to the north.

5. creation of a functional and harmonious design for structures and site features, with special attention to the following:

   a. an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors, and the general community;

   b. the amount and location of open space and landscaping;

   c. materials, textures, colors, and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and

   d. vehicular and pedestrian circulation, including walkways, interior drives, and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

Finding: The facility blends into the natural environment site by using the site features and existing buildings to buffer from adjacent residential neighborhoods to the north. Existing circulation systems would be utilized. Parking and pedestrian areas would be logically located and provide adequate parking supply.

6. promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and

Finding: The facility will utilize a number of current and forward-looking design and technologies. The project will incorporate state B3 Guidelines that are required for the design of new buildings to meet sustainability goals for site, water, energy, indoor environment, materials, and waste.

7. protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound, and sight buffers, preservation of views, light, and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

Finding: The facility blends into the natural environment of the site by using the site features and existing buildings to buffer from adjacent
residential neighborhoods to the north which would ensure the preservation of views, light, and air. Existing topography and upland vegetation would adequately protect adjacent properties from the sight and sounds of the facility.

Section 3.  City Council Action.

3.01 The above-described final site and building plans, with variance, is hereby approved, subject to the following conditions. Approval is based on the findings outlined in section 2 of this resolution and is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:

   • Site plan, dated Aug. 15, 2019
   • Grading plan, dated Aug. 15, 2019
   • Sediment and Erosion Control Plan, dated Aug. 15, 2019
   • Utility plan, dated Aug. 15, 2019
   • Exterior Elevations, dated July 26, 2019

2. Prior to issuance of a permit:

   a) Submit the following items associated with site work:

      1) Final site, grading, drainage, utility, and a stormwater pollution prevention plan (SWPPP) for staff review and approval. In addition the:

         a. Final landscaping plan must:

            1. Meet minimum landscaping requirements as outlined in city ordinance. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on site conditions.

            2. Include information relating to species, sizes, quantities, location, and landscaping values.

         b. Final site plan must include a sidewalk connection to the existing sidewalk on the west side of the property.

         c. Final stormwater management plan is required. This plan must demonstrate conformance with the following criteria:
• Rate: limit peak runoff flow rates to that of existing conditions from the 2-, 10- and 100-year events at all points where stormwater leaves the site.

• Volume: provide for onsite retention of 1-inch of runoff from the entire site’s impervious surface.

• Quality: provide for runoff to be treated to at least 60-percent total phosphorus annual removal efficiency and 90-percent total suspended solid annual removal efficiency.

• Infiltration basins must draw down in 48 hours and have a maximum depth of 2.0’ per the city’s water resources management plan.

2) The following legal agreements for review and approval by the city attorney:

a. A stormwater maintenance agreement in the city approved format for review and approval of city staff.

b. A private hydrant agreement for new and existing hydrants.

3) Right-of-way permit for new tap(s) into the city water main.

4) A construction management plan. The plan must be in a city-approved format and must outline minimum site management practices and penalties for non-compliance.

5) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to comply with grading permit and landscaping requirements and to restore the site. One itemized letter of credit is permissible if approved by staff. The city will not fully release the letters of credit or cash escrow until: (1) as-built drawings have been submitted; (2) a letter certifying that the underground facility has been completed according to the plans approved by the city has been submitted; (3) vegetated ground cover has been established; and (4) required landscaping or vegetation has survived one full growing season.
6) A cash escrow in the amount of $1000. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document, the builder and property owner will acknowledge:

- The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and

- If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

- City staff may waive this escrow amount upon review of the final plans.

7) Provide a conservation easement of the wetland buffer on the west side of the wetland to meet the minimum buffer width required as based on a MnRAM to be provided.

8) Provide a detailed tree inventory, tree preservation plan, and landscape plans for staff review and approval prior to issuance of either a grading or building permit.

3. Monitor the impact, if any (not anticipated), of the increased traffic at the County Road 62 signal and make timing adjustments if deemed necessary.

4. The building must comply with all requirements of the Minnesota state building code, fire code, and health code.

5. This resolution must be recorded with Hennepin County.

6. The city council may reasonably add or revise conditions to address any future unforeseen problems.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Oct. 7, 2019.

_______________________________________
Brad Wiersum, Mayor
Attest:

Becky Koosman, City Clerk

**Action on this resolution:**

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on Oct. 7, 2019.

Becky Koosman, City Clerk
EXHIBIT A

PARCEL A:
Lot one (1) Block three (3) Beautiful Avondale, according to the plat thereof on file and of record in the office of the Register of Deeds within and for the County of Hennepin in the State of Minnesota.

PARCEL B:
Lots two (2) and three (3) in Block three (3) Beautiful Avondale according to the plat thereof on file and of record in the office of the Register of Deeds within and for the County of Hennepin in the State of Minnesota.

PARCEL C:
Lots Four, (4), Five (5), Six (6), Seven (7), Eight (8), and Nine (9), Block Three (3), "Beautiful Avondale", Hennepin County, Minnesota, according to the duly recorded plat thereof on file and of record in the office of the Register of Deeds in and for said County.

PARCEL D:
Commencing on the East line of SW 1/4 of NW 1/4 at a point 76.8 ft. South from the S.E. corner of Glen Lake Heights, thence South to the SE corner of SW 1/4 of NW 1/4, thence West 330 ft., thence North 200 ft., thence West 581 ft., thence Easterly to the point of beginning, Section 34, Township 117, Range 22, Village of Minnetonka.

PARCEL E:
A tract of Land in the South West Quarter - SW 1/4 - of the North West Quarter NW 1/4 of Section Thirty-four - 34 - Township One hundred Seventeen - 117 N. Range Twenty-two - 22 - W - described as follows beginning at a point 409 feet East of the West Quarter post of said section 34. Thence East 581 feet more or less to the East line of the W 3/4 - Three Quarters of the South West Quarter of the North West Quarter - SW 1/4 of NW 1/4 - Thence north along the last described line the distance of 200 feet. thence West parallel with the South line 81 feet Thence South 200 feet to point of beginning containing 2 2/10 Two and 1/10 Acres more or less.

PARCEL F:
All that part of the East one-half (E. ½) of the Southwest quarter, (S.W. 1/4) of Section Thirty-four (34), Township One Hundred Seventeen (117), North of Range Twenty-two (22) West, of the 5th Principal Meridian, lying North of the Northerly right of way line of the old Chicago, Milwaukee and St. Paul Railroad and the new Chicago, Milwaukee and St. Paul Railroad, as located and established through the said East Half (E. ½) of the Southwest Quarter (SW 1/4) of Section Thirty-four (34), Township One Hundred Seventeen (117), North of Range Twenty-two (22) West of the 5th Principal Meridian, containing 60.66 acres more or less according to the Government survey, thereof.
PARCEL G:
The West Half of the South West Quarter - W. ½ of the S.W. 1/4 of Section 34 - Thirty-four - Township 117 - One hundred Seventeen Range 22 - Twenty-two. Also a right of way one Rod wide across and along the North line of the N.E. 1/4 of the S. E. 1/4 - North East Quarter of the South East Quarter of Section 33 Thirty-three Township 117 One hundred Seventeen Range 22 - Twenty-two Hennepin County Minnesota, to the Eden Prairie Road. Containing 80 acres more or less according to the United States Government Survey thereof.

PARCEL H:
A tract of land in Section 33 Township 117 Range 22 W. described as follows: Beginning at the East line of said Section One Rod South of the East Quarter post. Thence West parallel with the East and West center line of said Section 33 a distance of approximately 631 feet to the center line of Eden Prairie Road. Thence Southwesterly along the Center of said Road making an angle to the left of 69 Degrees 38 minutes from the last described line a distance of 194 3/10 feet. Thence continuing Southwesterly along the center line of said Road making an angle of 3 degrees and 7 minutes to the right from the last described line a distance of 433 2/10 feet. Thence East parallel with the said East and West center line of said Section 33 a distance of 871 1/10 feet more or less to the East line of said Section 33. Thence North along the East line of said Section 33 a distance of 579 55/100 feet to the point of beginning. Also all that part of the North One Rod in width of the North East Quarter of the South East Quarter of said Section 33, Township 117 - Range 22 - W. lying East of the said Eden Prairie Road above mentioned and described containing Ten Acres more or less according to the United States Government Survey thereof.

PARCEL I:
That part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section Thirty-three (33), Township One Hundred Seventeen (117) North, Range Twenty-two (22) West of the Fifth Principal Meridian, described as follows, to wit: Commencing on the East line of said Section Thirty-three (33) 596.5 feet South of the Northeast corner of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4), which point is the Southeast corner of a ten acre tract of land deeded to the County of Hennepin by that certain deed recorded in Book 647 of Deeds on page 435; thence South on the East line of said Section Thirty-three (33) distance of 218.4 feet; thence West parallel with the South line of said a deeded to Hennepin County hereinbefore referred to a distance of 1083.76 land feet to the center line of the Eden Prairie Road; thence Northeasterly along the center line of said Eden Prairie Road 265.46 feet to the Southeast corner of said tract to deeded to Hennepin County; thence East 915.4 feet more or less to the place of beginning containing five acres more or less.

PARCEL J:
That part of the northeast quarter - 1/4 of the Southeast quarter - 1/4 - of Section 33, Township 117, North Range 22, West of the fifth principal meridian described as follows: Beginning at a point on the East line of said section 33, eight hundred fourteen and forty-five one-hundredths feet - 814.45 - South of the East quarter - 1/4 - post of said section; thence West Ten Hundred eighty-three
and severity-six one-hundredths feet - 1083.76 - to the center line of Eden Prairie road; thence Southwesterly along center line of said road a distance of four hundred and eighteen one-hundredths feet - 445.18 -, to its intersection with the West forty-five line of the Northeast quarter - 1/4 - of the Southeast quarter - 1/4 - of said section, thence South on the West line of the Northeast quarter - 1/4 - of the Southeast quarter - 1/4 - a distance of seventy-four and seventy-five one hundredths feet - 74.75 more or less to the Southwest corner thereof; thence East thirteen hundred eight and five tenths feet - 1308.5 - to the Southeast corner of said Northeast quarter - 1/4 - of the Southeast quarter - 1/4 - of said Section; thence North four hundred thirty three and fifty-four one-hundreds feet – 433.54 – to beginning.

PARCEL K:

The East five-eighths (5/8) of the Southeast quarter (SE 1/4) of the Southeast quarter (SE 1/4) of Section thirty-three (33), Township one hundred and Southeast seventeen (117), Range twenty-two (22), subject to an easement for the purpose of a public roadway now laid out and established along the South line of said tract; said tract containing twenty-five (25) acres of land be the same more or less according to tract the government survey thereof.

Also conveying herein and hereby an easement for the free use for roadway purposes of a certain cart-way now laid out and established along the roadway North line of the West three-eighths of said Southeast quarter (SE 1/4) of Southeast quarter (SE 1/4) of the said Section, which cart-way is reserved and defined in a certain deed bearing date August 5, 1912, conveying said last above described land executed by Louise B. Sheehan and husband to Nels Weberg, and recorded in the office of the Register of Deeds for said Hennepin County August 7, 1912, in Book 738 of Deeds on page 140.

PARCEL L:

The Westerly three-eighths (3/8) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Thirty-three (33), Township One Hundred Seventeen (117), Range Twenty-two (22): Excepting and reserving there from a roadway which at present exists entering said tract on the west line about Twenty (20) rods, more or less, north of the Southwest corner of said tract and running thence in a southeasterly direction across said tract; and

Also excepting from said tract and reserving a cartway running along the north line of said tract; Said tract containing fifteen (15) acres, more or less, according to the Government Survey thereof.

PARCEL M:

All that part of the South West Quarter (SW 1/4) of the South East Quarter (SE 1/4) of Section Thirty-three (33) Township One Hundred Seventeen (117) Range Twenty Two (22) lying Southeasterly (SE) of the Eden Prairie Road and Northerly of the Public Road running Southeasterly from said Eden Prairie Road, toward and along the South line of said Section, being one and seven eights (1 7/8) of
an acre more or less.

PARCEL S:

Lots 13 to 20 inclusive, Block 2, Beautiful Avondale, Hennepin County, Minnesota, VILLAGE OF MINNETONKA.

PARCEL T:

Outlet A, Glen-Moor, according to the plat thereof on file or of record in the office of the Registrar of Titles in and for said County.